

# **Exhibit 1**

**In The Matter Of:**  
*Ruby Levi, et al. vs.*  
*Gulliver's Tavern, Incorporated, et al.*

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*Dean Robinson, Esq.*  
*November 28, 2016*

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**DORIS O. WONG  
ASSOCIATES, INC.**

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C O U R T   R E P O R T E R S

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Phone (617) 426-2432

*Original File ROBINSON.txt*  
*Min-U-Script® with Word Index*

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Volume I  
Pages 1 to 131  
Exhibits 1 to 13

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

- - - - -X  
:  
RUBY LEVI and EMILY CHICOINE, :  
on behalf of themselves and :  
all others similarly :  
situated, :  
Plaintiffs, :  
:  
vs. : C.A. No.  
: 1:15-cv-216S-PAS  
GULLIVER'S TAVERN, :  
INCORPORATED, and SOLID GOLD :  
PROPERTIES, INC., both d/b/a :  
THE FOXY LADY, :  
Defendants. :  
:  
- - - - -X

DEPOSITION OF GULLIVER'S TAVERN,  
INCORPORATED, and SOLID GOLD PROPERTIES, INC.,  
THROUGH THEIR DESIGNEE DEAN ROBINSON, ESQ., a  
witness called on behalf of the Plaintiffs, taken  
pursuant to Rule 30(b)(6) of the Federal Rules of  
Civil Procedure, before Ken A. DiFraia, Registered  
Professional Reporter and Notary Public in and for  
the Commonwealth of Massachusetts, at the Offices of  
Seyfarth Shaw LLP, Two Seaport Lane, Boston,  
Massachusetts, on Monday, November 28, 2016,  
commencing at 9:58 a.m.

PRESENT:

Fair Work, P.C.  
(by Brant Casavant, Esq.)  
192 South Street, Suite 450,  
Boston, MA 02111,  
brant@fairworklaw.com, 617.607.3260  
for the Plaintiffs.

(Continued)

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PRESENT: (Continued)

Seyfarth Shaw LLP  
(by Barry J. Miller, Esq.)  
Seaport East, Two Seaport Lane, Suite 300,  
Boston, MA 02210-2028,  
BMiller@seyfarth.com, 617.946.4806  
for the Defendants.

\* \* \* \* \*

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## I N D E X

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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DEAN ROBINSON, ESQ.

BY MR. CASAVANT 6

BY MR. MILLER 126

\* \* \* \*

## E X H I B I T S

NO.	DESCRIPTION	PAGE
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\* \* \* \*

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5

1 P R O C E E D I N G S

2 MR. CASAVANT: Would you like to do the  
3 usual 30 days for the reading and signing?

4 MR. MILLER: Sure.

5 MR. CASAVANT: Save objections, except as  
6 to form, until the time of trial and dispense with  
7 the notary?

8 MR. MILLER: We will agree to that with the  
9 limitation that Mr. Robinson is being produced as a  
10 30(b)(6) witness subject to the objections and  
11 limitations in my letter of May 18, 2016 to you and  
12 Steve Brouillard.

13 MR. CASAVANT: Does that mean you won't be  
14 allowing him to answer questions subject to those  
15 objections or are you raising those objections to  
16 preserve your rights later on?

17 MR. MILLER: It depends on the questions.  
18 We may limit his testimony as described in the  
19 letter or we may just designate it as non 30(b)(6)  
20 testimony to the extent he has percipient knowledge,  
21 which I don't anticipate, or we may just object.

22

23

24

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6

1 DEAN ROBINSON, ESQ.  
2 a witness called for examination by counsel for the  
3 Plaintiffs, having been satisfactorily identified by  
4 the production of his driver's license and being  
5 first duly sworn by the Notary Public, was examined  
6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. CASAVANT:

9 Q. Good morning.

10 A. Morning.

11 Q. Could you once again state your name for  
12 the record.

13 A. Dean Robinson.

14 Q. Thank you, Mr. Robinson. Would you state  
15 your residential address for the record.

16 A. 404 New Meadow Road, Barrington, Rhode  
17 Island 02806.

18 Q. How long have you lived there?

19 A. Approximately 15 years.

20 Q. Have you ever been deposed before or  
21 attended a deposition?

22 A. Yes.

23 Q. So I'm sure you are familiar, then, with  
24 sort of what to expect today, but, for the record,



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1 I'll be asking you questions. Your job is to  
2 provide me with true and accurate answers to the  
3 best of your ability.

4 What that means is that I don't want you to  
5 guess or speculate in an answer, but if you are able  
6 to provide a reasonable answer based on your memory  
7 or experience, I would ask that you provide me with  
8 that answer.

9 It also means if you don't understand the  
10 question that I'm asking or you are unclear, ask me  
11 to clarify what the question is so that we know we  
12 are both on the same page.

13 If at any time you need a break, feel free  
14 to ask for one. I would just ask if there's a  
15 question pending, that you answer the question prior  
16 to taking the break.

17 The last two points are, one, it's  
18 important that you give verbal answers to the  
19 questions, like yes or no as opposed to saying  
20 "uh-huh" or "nuh-huh," because it's hard for the  
21 reporter to take that down or they are ambiguous in  
22 the record.

23 Lastly, it's important not to talk over one  
24 other. I'll try not to interrupt you when you

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8

1 answer. Likewise, I would ask that you don't  
2 interrupt me when I ask the questions, just so the  
3 record is clear. Does that make sense?

4 A. Yes.

5 Q. Great. How many other depositions have you  
6 attended in your professional life?

7 A. As a witness?

8 Q. No, just as attending.

9 A. Oh, 40 or 50.

10 Q. Are you an attorney?

11 A. Yes.

12 Q. Have any of the depositions that you've  
13 attended either as a witness or as an observer  
14 involved Gulliver's Tavern or Solid Gold Properties?

15 A. Yes.

16 Q. Have any of those depositions involved  
17 exotic dancers or claims brought by exotic dancers?

18 MR. MILLER: Objection.

19 A. No.

20 Q. Are you currently employed?

21 A. Yes?

22 Q. And by whom are you employed?

23 A. I'm actually self-employed.

24 Q. You have a law firm?

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9

1 A. Yes.

2 Q. What is the name of the law firm?

3 A. The same, Dean Robinson.

4 Q. Are you the only attorney that works at  
5 that firm?

6 A. Yes.

7 Q. Are you familiar with a company called  
8 "Gulliver's Tavern, Inc."?

9 A. Yes.

10 Q. Are you familiar with a company called  
11 "Solid Gold Properties, Inc."?

12 A. Yes.

13 Q. What is Gulliver's Tavern, Inc.?

14 MR. MILLER: Objection. You can answer if  
15 you have an answer.

16 A. It's a corporation that was formed some  
17 years ago to operate a business.

18 Q. And what business does it operate?

19 A. A nightclub.

20 Q. What nightclub is that?

21 A. It's known as "The Foxy Lady."

22 Q. Is that nightclub located at 318 Chalkstone  
23 Avenue in Providence?

24 A. Yes, "Chalkstone."

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10

1 Q. In Providence, Rhode Island?

2 A. Yes.

3 Q. You say it was formed some years ago. How  
4 long ago was it formed?

5 A. I believe it was incorporated in 1979.

6 Q. Has it continuously operated the nightclub  
7 called "The Foxy Lady" since then?

8 A. Yes.

9 Q. You initially used the term "operate."  
10 What do you mean by "operate"?

11 A. It runs the business. It operates the  
12 business.

13 Q. The business being The Foxy Lady?

14 A. The nightclub known as The Foxy Lady, yes.

15 Q. Throughout the deposition, I'll be  
16 referring to "The Foxy Lady." Can we agree that  
17 when I refer to The Foxy Lady -- well, do you  
18 understand when I refer to The Foxy Lady, I'm  
19 referring to the nightclub located at 318 Chalkstone  
20 Avenue in Providence?

21 A. Yes.

22 Q. Just for ease of reference.

23 A. Yes.

24 Q. And the entity known as Solid Gold

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11

1 Properties, what does that entity do?

2 MR. MILLER: Objection.

3 A. That entity owns and leases real estate.

4 Q. Does it have any connection or relationship  
5 with The Foxy Lady?

6 MR. MILLER: Objection.

7 A. Yes.

8 Q. What is that relationship?

9 A. Solid Gold Properties, Inc., leases the  
10 property where The Foxy Lady nightclub is located.

11 Q. Does it lease it from someone or something  
12 or does it lease it to somebody?

13 A. It leases it to Gulliver's Tavern,  
14 Incorporated.

15 Q. So Solid Gold owns the property itself and  
16 leases that property to Gulliver's Tavern?

17 A. Yes.

18 Q. Does Solid Gold Properties have any other  
19 connection or relationship with The Foxy Lady?

20 MR. MILLER: Objection.

21 A. No.

22 Q. Does Gulliver's Tavern have any employees?

23 A. Yes.

24 Q. And what about Solid Gold Properties?

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12

1 A. No.

2 Q. Have you ever been employed by Gulliver's  
3 Tavern?

4 A. No.

5 Q. What is your relationship with Gulliver's  
6 Tavern?

7 MR. MILLER: Objection.

8 A. I am corporate counsel for Gulliver's  
9 Tavern.

10 Q. How long have you served as corporate  
11 counsel for Gulliver's Tavern?

12 A. Approximately 20 years.

13 Q. Do you have any relationship with Solid  
14 Gold Properties?

15 A. I'm also the corporate counsel for Solid  
16 Gold Properties, Inc.

17 Q. Does Gulliver's Tavern have officers?

18 A. Yes.

19 Q. Who are those officers?

20 A. The sole officer is Patricia Tsoumas.

21 Q. And what particular title or titles does  
22 she have?

23 A. For?

24 Q. For Gulliver's Tavern.

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13

1           A.     She is the president, secretary and  
2     treasurer.

3           Q.     How long has she had those positions at  
4     Gulliver's Tavern?

5           A.     I'm not sure. That predates my  
6     representation.

7           Q.     Solid Gold Properties, does that company  
8     have any officers?

9           A.     Yes.

10          Q.     Who are those officers?

11          A.     Patricia Tsoumas.

12          Q.     Anyone else?

13          A.     No.

14          Q.     What are her titles as officer of Solid  
15     Gold Properties?

16          A.     President, treasurer and secretary.

17          Q.     What employees does Gulliver's Tavern have  
18     besides Patricia Tsoumas?

19                 MR. MILLER: Objection. One of the things  
20     that was set forth in our May 18th letter, which I  
21     think is going to be something that recurs  
22     throughout the deposition, is that in our view the  
23     period of time germane to Ms. Chicoine's and  
24     Ms. Levi's claim is May 2012 to October 2014. I am

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14

1 not going to instruct him not to answer a question  
2 that's phrased in the present tense as you just  
3 posed that one, but I want to make that objection  
4 for the record.

5 MR. CASAVANT: Okay. That's fine.

6 Q. For purposes of your answer, I think we can  
7 agree to the extent there was some ambiguity about  
8 the time period in my questions, you can assume that  
9 I'm referring to the time period after May 23, 2012,  
10 unless I specify otherwise. For the time period of  
11 May 23, 2012 going forward, what other employees has  
12 Gulliver's Tavern had?

13 A. I believe they had bartenders, waitresses  
14 and managers.

15 Q. Are those individuals who all work at The  
16 Foxy Lady?

17 MR. MILLER: Objection.

18 A. In the nightclub?

19 Q. Yes.

20 A. Yes.

21 Q. This is just so that we're clear about who  
22 was working where. Does Gulliver's Tavern own and  
23 operate any nightclubs besides The Foxy Lady in  
24 Providence?



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15

1 A. No.

2 Q. What have been your responsibilities with  
3 respect to Gulliver's Tavern over the past three or  
4 four years?

5 MR. MILLER: Objection.

6 A. I'm not sure I understand the question.

7 Q. What did you say your relationship was with  
8 Gulliver's Tavern again? I'm sorry.

9 A. Corporate counsel.

10 Q. So as corporate counsel, what sort of  
11 responsibilities do you have with respect to  
12 Gulliver's Tavern?

13 A. Providing legal services when requested.

14 Q. Anything else?

15 A. No.

16 Q. Have you ever physically visited The Foxy  
17 Lady in the past three or four years?

18 A. Yes.

19 Q. How many times have you done so?

20 MR. MILLER: Objection.

21 A. I'm not sure, a handful of times.

22 Q. What have been the purposes of those  
23 visits?

24 MR. MILLER: Objection.

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16

1 A. To meet with representatives of the company.

2 Q. Does Gulliver's Tavern have a corporate  
3 office or headquarters?

4 A. To the extent it has a headquarters or an  
5 office, it's located at 318 Chalkstone Avenue.

6 Q. Is it located in the same building as The  
7 Foxy Lady?

8 A. Yes.

9 Q. How about Solid Gold Properties, does that  
10 entity have an office or a headquarters somewhere?

11 A. No.

12 (Document marked as Robinson  
13 Exhibit 1 for identification)

14 Q. The court reporter has handed you what  
15 we've marked as Exhibit 1. Once you had the chance  
16 to look at the document, would you let me know if  
17 you recognize it.

18 A. (Examines document) Yes.

19 Q. Could you identify it for me.

20 A. This appears to be the Re-Notice of today's  
21 Rule 30(b)(6) deposition.

22 Q. And looking through the deposition notice,  
23 you will see there are several numbered paragraphs  
24 with subjects or topics identified; do you see those

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17

1       there?

2             A.     Yes.

3             Q.     Do you feel that you are adequately  
4       prepared to answer questions regarding these topics  
5       today?

6             A.     Yes.

7             MR. MILLER:   Again, subject to the  
8       limitations in my correspondence to Mr. Casavant of  
9       May 18th.

10            THE WITNESS:   Right, subject to.

11            Q.     Is there anyone you can think of that would  
12       have more or better knowledge with regard to these  
13       topics than yourself?

14            MR. MILLER:   Objection.

15            A.     No.

16            Q.     You can put that aside.

17            Going back a second to the employees of  
18       Gulliver's Tavern, I may have just missed this, but  
19       does Gulliver's Tavern employ any managers that work  
20       at The Foxy Lady?

21            A.     Yes.

22            Q.     Are you familiar with a position called  
23       "house mom"?

24            A.     Yes.

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18

1 Q. What is a house mom?

2 A. A house mom is an individual who basically  
3 assists the entertainers when they are on the  
4 premises.

5 Q. The entertainers at The Foxy Lady?

6 A. Yes.

7 Q. Are they employees of Gulliver's Tavern,  
8 the house moms?

9 A. No.

10 Q. Is there security personnel that work at  
11 The Foxy Lady?

12 A. I'm not sure what you mean by "security  
13 personnel."

14 Q. Like bouncers or doormen or anyone who is  
15 sort of in charge of the security of the facility.

16 A. Well, they call them "floor hosts."

17 Q. Are the floor hosts employees of Gulliver's  
18 Tavern?

19 A. Yes.

20 (Document marked as Robinson  
21 Exhibit 2 for identification)

22 Q. The court reporter has handed you what  
23 we've marked as Exhibit 2. Could you identify that  
24 document for me.

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19

1           A.     It looks like a floor plan of a building  
2     labeled "Upper Level."

3           Q.     Do you have any understanding as to what  
4     building this floor plan refers to?

5           A.     Not this particular document because it's  
6     not labeled as such.

7           Q.     If I were to represent to you that this was  
8     produced to us in this litigation as an approximate  
9     or rough floor plan of The Foxy Lady, would that  
10    refresh your recollection at all as to what it  
11    depicts?

12           MR. MILLER:   Objection to that  
13    characterization of the document.

14           Q.     I believe you can still answer if you  
15    understand the question.

16           MR. MILLER:   Yes, you can.

17           A.     If you were to represent to me that this is  
18    the floor plan of The Foxy Lady; is that what you  
19    are asking?

20           Q.     Yes.

21           A.     I'll accept your representation.   If it's  
22    been produced, yes.

23           Q.     But absence that characterization or  
24    representation from me, this doesn't independently

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20

1 look familiar to you as the floor plan of The Foxy  
2 Lady?

3 A. Well, it's been quite some time since I've  
4 been in this part of the building so I can't say for  
5 sure, but it could represent that, yes.

6 Q. When was the last time that you went to The  
7 Foxy Lady?

8 A. I don't know exactly, but I'm guessing  
9 maybe six months ago.

10 Q. Does The Foxy Lady have more than one floor?

11 A. Yes.

12 Q. Are patrons allowed to go to both floors --  
13 strike that. I'll back up. How many floors does  
14 The Foxy Lady have?

15 A. There are two floors.

16 Q. Are patrons allowed to visit both floors?

17 MR. MILLER: Objection.

18 A. To the best of my knowledge, yes.

19 Q. Are you familiar with an individual named  
20 "John Webber"?

21 A. I've heard the name.

22 Q. Other than hearing the name, have you ever  
23 met John Webber?

24 A. I may have. I don't recall for sure.

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21

1 Q. Do you have an understanding as to what  
2 Mr. Webber's relationship is with The Foxy Lady?

3 A. My understanding is that he's the general  
4 manager.

5 Q. And how long has he been the general  
6 manager of The Foxy Lady?

7 A. It's been a number of years, from what I  
8 understand. I don't know exactly when.

9 Q. Is he an employee of Gulliver's Tavern?

10 A. Yes.

11 Q. Do you know if Mr. Webber is still the  
12 general manager of The Foxy Lady as of today?

13 MR. MILLER: Objection.

14 A. To the best of my knowledge.

15 Q. Are you familiar with an individual named  
16 "Lori Savickas"?

17 A. Yes.

18 Q. Who is Lori Savickas?

19 A. She is a manager of Gulliver's Tavern.

20 Q. Does she work at The Foxy Lady?

21 A. You mean on the premises?

22 Q. Yes.

23 A. Yes.

24 Q. Is she employed by Gulliver's Tavern?

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22

1 A. Yes.

2 Q. Do you know an individual named "Richard  
3 Angell"?

4 A. Yes.

5 Q. Who is Mr. Angell?

6 A. He's also a manager.

7 Q. At The Foxy Lady?

8 A. Yes.

9 Q. Is he employed by Gulliver's Tavern?

10 A. Yes.

11 Q. Are both Ms. Savickas and Mr. Angell still  
12 employed by Gulliver's Tavern today?

13 MR. MILLER: Objection.

14 A. Yes, to the best of my knowledge.

15 Q. Are you familiar with an individual named  
16 "Robert Travisono"?

17 A. I have heard the name.

18 Q. Do you have an understanding as to who he  
19 is?

20 A. I believe he's also a manager at Gulliver's  
21 Tavern.

22 Q. Does he work at The Foxy Lady on the premises?

23 A. Yes.

24 Q. Is he an employee of Gulliver's Tavern?



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23

1 A. Yes.

2 Q. How long has he worked for Gulliver's Tavern?

3 A. I'm not sure. I think it's at least the  
4 period of time that we're discussing today.

5 Q. Do you know an individual named "Joseph  
6 Elias"?

7 A. I've heard the name.

8 Q. Who is Mr. Elias?

9 A. I believe he was a manager at Gulliver's  
10 Tavern.

11 Q. Was he an employee of Gulliver's Tavern?

12 A. I believe he was for a period of time, yes.

13 Q. So did he have responsibilities with  
14 respect to The Foxy Lady?

15 MR. MILLER: Objection.

16 Q. Or did he work at The Foxy Lady?

17 A. Did he work at The Foxy Lady?

18 Q. Yes.

19 A. Yes, he did work at The Foxy Lady.

20 Q. When did he stop working for Gulliver's  
21 Tavern?

22 A. I'm not sure of the exact date.

23 Q. Do you have a rough sense as to how long  
24 ago it was that he stopped working?

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24

1 A. No.

2 Q. Do you know an individual named "Stephanie  
3 Nunez"?

4 A. Yes.

5 Q. Who is she?

6 A. I believe she is a house mom at The Foxy  
7 Lady.

8 Q. Do you know if she's currently working at  
9 The Foxy Lady?

10 MR. MILLER: Objection.

11 A. I believe so.

12 Q. Has she, as far as you know, ever been  
13 employed by Gulliver's Tavern?

14 A. I think she may have been, but I'm not  
15 really sure.

16 Q. Do you know if she's ever worked as a  
17 manager at The Foxy Lady?

18 A. She may have.

19 Q. Do you know an individual named "Nadine  
20 Ramos"?

21 A. I have heard the name.

22 Q. Do you have an understanding as to who she  
23 is?

24 A. My understanding is she's also a house mom.

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25

1 Q. Is she employed by Gulliver's Tavern?

2 A. To the best of my knowledge, yes.

3 Q. Do you know if she's had any positions with  
4 respect to The Foxy Lady other than as a house mom?

5 A. I do not.

6 Q. Is she still currently employed by  
7 Gulliver's Tavern?

8 MR. MILLER: Objection.

9 A. I believe so.

10 Q. Do you know an individual named "Carol  
11 Moran"?

12 A. Yes.

13 Q. Who is she?

14 A. She was a house mom at The Foxy Lady.

15 Q. And she's no longer working there?

16 A. No.

17 Q. Do you have a sense as to when she stopped  
18 working there?

19 A. I believe it's been at least a year since  
20 she worked there.

21 Q. Was she an employee of Gulliver's Tavern?

22 A. No. She was a house mom.

23 Q. Besides the individuals we've just  
24 mentioned, are there any other managers who you can

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26

1 think of that have worked at The Foxy Lady in the  
2 past three or four years?

3 MR. MILLER: Objection.

4 A. No.

5 Q. What about any house moms?

6 A. No, none that I know of.

7 Q. That's fine. I want to go through the  
8 positions that work at The Foxy Lady to make sure I  
9 have them all. I believe we already mentioned  
10 bartenders. There are bartenders that work at The  
11 Foxy Lady; is that right?

12 A. Yes.

13 Q. They are employees of Gulliver's Tavern?

14 A. Yes.

15 Q. Then there are floor hosts; is that right?

16 A. Yes.

17 Q. They are employee of Gulliver's Tavern?

18 A. Yes.

19 Q. Then are there DJs that work at The Foxy  
20 Lady?

21 A. They work in the building, but they are not  
22 employees.

23 Q. Are there doormen who work at The Foxy Lady?

24 MR. MILLER: Objection.

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1 A. I'm not sure what you mean by "doormen."

2 Q. Someone who stands at the front door or,  
3 you know, the customer entrance to check IDs, and so  
4 forth.

5 A. There are individuals that do that, yes.

6 Q. Do those individuals have a title or a role  
7 that they are referred to as?

8 A. I don't know if they have a title, to be  
9 honest with you.

10 Q. Are they employed by Gulliver's Tavern?

11 A. Yes, to the best of my knowledge they are.

12 Q. And we discussed the house moms. They are  
13 not employees of Gulliver's Tavern; is that correct?

14 A. That's correct.

15 Q. But they work at The Foxy Lady?

16 A. Excuse me?

17 Q. They work at The Foxy Lady?

18 A. At The Foxy Lady?

19 Q. Yes.

20 A. Yes.

21 Q. Are there cocktail servers at The Foxy Lady?

22 A. Well, they would fall under the heading of  
23 waitresses.

24 Q. So there are waitresses that work at The

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1 Foxy Lady?

2 A. Yes.

3 Q. Are there any other positions that work at  
4 The Foxy Lady that we have not identified that I  
5 missed?

6 MR. MILLER: Objection.

7 A. That work at or for?

8 Q. At.

9 A. Well, I believe there may be women that  
10 come in and provide hairdressing services, but they  
11 are not employees.

12 Q. I think one category we probably overlooked  
13 is there are entertainers that work at The Foxy  
14 Lady; is that right?

15 A. At The Foxy Lady?

16 Q. At The Foxy Lady, yes.

17 A. Yes.

18 Q. And what services do these entertainers  
19 provide at The Foxy Lady?

20 MR. MILLER: Objection.

21 A. Entertainment services.

22 Q. What type of entertainment services?

23 A. They dance at The Foxy Lady.

24 Q. Going back to the list of positions we just

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1 identified, what responsibilities do the bartenders  
2 have at The Foxy Lady?

3 MR. MILLER: Objection.

4 A. To serve drinks.

5 Q. To customers?

6 A. Sometimes to customers, but they also  
7 provide drinks to the waitress to bring to customers.

8 Q. And the waitresses, I assume they also  
9 provide drinks to customers?

10 A. Yes.

11 Q. That's their responsibility?

12 A. Yes.

13 Q. What about the floors hosts, what is their  
14 responsibility?

15 MR. MILLER: Objection.

16 A. The floor hosts are responsible for making  
17 sure that order is maintained within the premises.

18 Q. And how do they do that?

19 MR. MILLER: Objection.

20 A. I'm not sure I understand the question.

21 Q. Do they patrol the club to make sure  
22 everything is operating smoothly?

23 MR. MILLER: Objection.

24 A. Well, if you mean by patrol walk around or

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1 through the club, yes, they do that.

2 Q. Do they have any responsibilities with  
3 respect to the entertainers?

4 MR. MILLER: Objection.

5 A. Not that I'm aware of.

6 Q. What services do the hairdressers provide?

7 A. If an entertainer would like to have her  
8 hair done while she's at the club, they can arrange  
9 for that.

10 Q. What about the house moms, what do they do  
11 at The Foxy Lady?

12 A. Well, they help to schedule the dances that  
13 the entertainers perform, assist in that way.

14 Q. Assist in scheduling the dancers?

15 A. Yes.

16 Q. Do they have any other responsibilities  
17 with respect to the dancers besides scheduling?

18 MR. MILLER: Objection.

19 A. Well, to make sure that the premises are  
20 safe for the entertainers.

21 Q. How do they make sure the premises are safe  
22 for the entertainers?

23 A. Well, they make sure that there are no  
24 issues that are ongoing on the premises that would



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1 interfere with their safety.

2 Q. What sorts of issues would those be?

3 MR. MILLER: Objection.

4 A. Well, I would think that one issue would be  
5 if someone were to bring in an illegal substance on  
6 the club premises, they would want to make sure that  
7 that was discovered and handled.

8 Q. Anything else that you can think of?

9 A. No.

10 Q. What are the hours during which The Foxy  
11 Lady is open to the public?

12 A. My understanding is that during the week,  
13 which would be Monday through -- Sunday through  
14 Thursday, they are open from -- well, let me back  
15 up. Sundays I believe they open at 3:00 in the  
16 afternoon and close at 1:00 in the morning. Monday  
17 through Thursday, I believe they open at 11:30 in  
18 the morning and are open until 1 o'clock the  
19 following morning. On Friday and Saturday, they  
20 stay open until 2:00 in the morning.

21 Q. What time do they open on Friday and  
22 Saturday?

23 A. Friday they open early. I think it's 7:00  
24 or 8:00. Saturday I believe it's 11:00 or 11:30.

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1 Q. Are there days of the week or times of the  
2 day that the customers need to pay an amount of  
3 money to get into The Foxy Lady?

4 A. Yes.

5 Q. What are those days or times when they need  
6 to do that?

7 A. My understanding is that they pay a fee  
8 most of the time that the club is open, an  
9 admissions fee.

10 Q. An admissions fee, okay. Do you know how  
11 much that fee has been since May of 2012?

12 MR. MILLER: Objection.

13 A. No.

14 Q. Do you know how much that fee is today?

15 A. No.

16 Q. Do you have an understanding if it changes  
17 based on the day of the week?

18 A. It may.

19 Q. Of the time that the club is open to  
20 customers, are there ever times when there are not  
21 entertainers on the premises?

22 MR. MILLER: Objection.

23 A. More than likely.

24 Q. What would be the circumstances in which

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1 the club would be open to the public when there  
2 would not be entertainers there?

3 A. I mean, the situation varies from day to  
4 day and time to time. It's hard to say really.

5 Q. So the entertainers that we've been  
6 referring to, they are not employees of Gulliver's  
7 Tavern; is that correct?

8 A. That is correct.

9 Q. They are independent contractors or  
10 independent operators; is that correct?

11 A. Of Gulliver's Tavern?

12 Q. Sure.

13 A. Yes.

14 Q. Do you have a sense as to how many  
15 entertainers have worked at The Foxy Lady since May  
16 of 2012?

17 A. No.

18 Q. You can't even estimate it or ballpark it?

19 A. No idea.

20 Q. Do you know who would know that?

21 MR. MILLER: Objection.

22 A. No. I'm not sure anybody does really. I'm  
23 not sure that anybody would have that information.

24 Q. Are the entertainers that work at The Foxy

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1 Lady still treated as independent contractors by  
2 Gulliver's Tavern?

3 MR. MILLER: Objection.

4 A. You mean at the present time?

5 Q. Yes.

6 A. Yes.

7 Q. In the past three years, has there been a  
8 period of time where the entertainers have been  
9 treated as employees?

10 A. Of Gulliver's Tavern?

11 Q. Correct.

12 A. No.

13 Q. Do you have a sense as to how long an  
14 entertainer will typically perform at The Foxy Lady  
15 for, meaning period of days, months, a year, et  
16 cetera?

17 MR. MILLER: Objection.

18 A. I'm not sure I understand that question.  
19 Are you asking me the period of time that they would  
20 work -- I'm not sure I understand the question.

21 Q. We can come back to that. What is the  
22 process for an entertainer starting work at The Foxy  
23 Lady?

24 MR. MILLER: Objection.

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1           A.     What do you mean by "process"? I'm not  
2     sure I understand.

3           Q.     How do they either get permission or, you  
4     know, get allowed to work at The Foxy Lady?

5           A.     My understanding is that there would be an  
6     audition. If they are accepted, they would start  
7     after that.

8           Q.     Who conducts the auditions?

9                 MR. MILLER: Objection.

10          A.     From what I understand, it's done by Lori  
11     Savickas.

12          Q.     Has she done the auditions over the past  
13     three years?

14                 MR. MILLER: Objection.

15          A.     I believe so, yes.

16          Q.     How does an entertainer get an audition at  
17     The Foxy Lady?

18                 MR. MILLER: Objection.

19          A.     I would imagine that they would somehow  
20     contact Lori Savickas to arrange for that.

21          Q.     You said you would imagine they do that.  
22     Are you just conjecturing that's what the process  
23     would be or do you have an understandings of what  
24     the process is?

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1           A.     Well, I mean, somebody would have to get  
2     word to Lori Savickas to conduct the audition. My  
3     understanding is that that's the way it's done.

4           Q.     What happens at the audition?

5                 MR. MILLER: Objection.

6           A.     I never attended one, and so I can't tell  
7     you directly.

8           Q.     Do you have an understanding as to what  
9     happens at the audition?

10          A.     I would only be guessing if I were to  
11     answer that.

12          Q.     But Lori Savickas would be the person that  
13     would know that?

14          A.     Oh, yes, I believe so.

15          Q.     Who is it that makes the determination as  
16     to whether an entertainer who has auditioned can  
17     work at the club?

18                 MR. MILLER: Objection.

19          A.     I would imagine that Lori Savickas would  
20     have the most input in that decision, but she may  
21     speak to others.

22          Q.     What factors does Lori take into  
23     consideration when auditioning a dancer?

24                 MR. MILLER: Objection.

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1           A.     I couldn't tell you that.

2           Q.     Do you know, like, what quality she looks  
3 for or qualifications?

4           A.     No.

5           Q.     Are the entertainers that work at The Foxy  
6 Lady required to have any prior experience of any  
7 sort?

8                   MR. MILLER:   Objection.

9           A.     Not to my knowledge.

10          Q.     Does Lori look for any professional dance  
11 training or anything along that line?

12          A.     She may.

13          Q.     Do you know if she gets references or asks  
14 for references from new prospective entertainers?

15          A.     I would assume so.

16          Q.     But you don't know?

17          A.     Not for sure, no, but I would assume she  
18 does.

19          Q.     Why would you assume that to be the case?

20          A.     Because she's very thorough, and I'm sure  
21 she would want to do her due diligence.

22          Q.     Does The Foxy Lady require the entertainers  
23 to have any particular licenses in order to work at  
24 the nightclub?

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1 A. Not that I'm aware of.

2 Q. Does The Foxy Lady or Lori require the  
3 entertainers to carry any particular type of  
4 insurance?

5 A. I don't think it's a requirement. I mean,  
6 if they want to have insurance, that's up to them.

7 Q. In the past three years, has The Foxy Lady  
8 ever had a recruiting drive or a job fair for new  
9 entertainers?

10 A. Not that I'm aware of.

11 Q. Are there times of the year where The Foxy  
12 Lady does not accept new applicants or entertainers?

13 MR. MILLER: Objection.

14 A. No, not that I'm aware of.

15 MR. CASAVANT: Excuse me one second.

16 (Pause)

17 Q. Are you aware of circumstances in which  
18 Lori has ever declined to allow a dancer to work at  
19 The Foxy Lady after auditioning?

20 A. When you say "circumstances," are you  
21 asking me if she ever turned anybody down?

22 Q. Yes.

23 A. Yes, she has.

24 Q. How often has that happened?



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1 A. More often than not I would say.

2 Q. What are the circumstances in which she  
3 would decline someone?

4 MR. MILLER: Objection.

5 A. I couldn't tell you that. It's really up  
6 to her in the end.

7 Q. Are you aware of any particular instance  
8 that's been brought to your attention that someone  
9 was not allowed to work at The Foxy Lady after  
10 auditioning?

11 A. Not particularly, no. I mean, I'm aware  
12 that many individuals have not been allowed, but I  
13 don't know the circumstances. I really have not  
14 discussed that with her.

15 Q. Aside from auditioning prospective  
16 entertainers, what other responsibilities does Lori  
17 have?

18 MR. MILLER: Objection.

19 A. My understanding is that she also does some  
20 of the bookkeeping work for the corporation.

21 Q. For Gulliver's Tavern?

22 A. Gulliver's Tavern, correct.

23 Q. What about John Webber, what are his  
24 responsibilities with respect to The Foxy Lady as

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1 general manager?

2 MR. MILLER: Objection.

3 A. Well, he would be in charge of the overall  
4 operation of the business on a day-to-day basis.

5 Q. Do you know how frequently, if ever, he's  
6 at the nightclub?

7 MR. MILLER: Objection.

8 A. Well, I would think he would be there most  
9 days. I'm sure he has days off.

10 Q. But you are not aware of what his schedule  
11 is?

12 A. No.

13 Q. How about Lori, what hours does she keep at  
14 the club, if any?

15 A. I would think they would vary.

16 Q. But you don't know what?

17 A. I would think it would vary on a day-to-day  
18 basis. I don't know what her schedule is.

19 Q. Is there always a manager working at The  
20 Foxy Lady during the hours that it's open?

21 MR. MILLER: Objection.

22 A. To the best of my knowledge, yes.

23 Q. Is there always at least one house mom  
24 working at The Foxy Lady during the hours that it's

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1 open?

2 MR. MILLER: Objection.

3 A. That I don't know.

4 Q. Earlier we discussed that there are hours  
5 that the club is open in which there may not be any  
6 entertainers on the premises, do you recall that?

7 A. I remember you asking me that, yes.

8 Q. How often would it be the case that The  
9 Foxy Lady would be open to the public but there  
10 would be no entertainers on the premises?

11 MR. MILLER: Objection.

12 A. That would depend. Again, it varies from  
13 day to day.

14 Q. Is it more often the case that there are --  
15 that the facility is open to the public but there  
16 are no entertainers working?

17 A. Sorry, could you repeat that.

18 Q. Sure. Is it more often the case that the  
19 club is open to customers but there are no  
20 entertainers on the premises?

21 A. I don't know. I don't think anybody ever  
22 kept track of that information.

23 Q. Do you know if any of the management staff  
24 would have a sense as to how often the club is open

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1 to the public but there are dancers or no dancers on  
2 the premises?

3 MR. MILLER: Objection.

4 A. I don't have a sense of that. I don't  
5 think anybody keeps track of that information, from  
6 what I understand.

7 Q. For clarity of the record, I keep  
8 mistakenly referring to the entertainers as dancers  
9 and the dancers as entertainers. Do you understand  
10 that I'm referring to the same group of people in  
11 doing that?

12 A. Yes.

13 Q. Assuming that an entertainer is allowed to  
14 work at The Foxy Lady after auditioning -- strike  
15 that. Are entertainers ever allowed to work at The  
16 Foxy Lady without having to audition first?

17 A. One thing I should point out is -- and I  
18 want to be sure we understand this -- when you say  
19 "work at The Foxy Lady," I take that to mean  
20 providing services at The Foxy Lady. Is that what  
21 you are referring to?

22 Q. Yes. We are entirely on the same page. I  
23 mean physically just performing services at the  
24 facility.

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1           A.     And the question is are they ever allowed  
2     to do that without auditioning?

3           Q.     Correct.

4           A.     My sense is the answer is no.

5           Q.     What do you derive that sense from?

6           A.     Discussions that I've had with Lori  
7     Savickas. She's very thorough.

8           Q.     How often do you have discussions with Lori  
9     Savickas?

10          A.     From time to time.

11          Q.     Like, once a week, once a month?

12          A.     No. If I happen to be on the premises for  
13     a meeting, I'll speak to her at that time. It's not  
14     very often.

15          Q.     So assuming a dancer has auditioned and is  
16     going to be allowed to work and provide services at  
17     The Foxy Lady, do they then have to fill out any  
18     paperwork?

19          A.     Yes.

20          Q.     What sort of paperwork are they presented  
21     with?

22          A.     Well, they would need to provide some  
23     identification to confirm their age, first of all.  
24     They would fill out a brief form indicating their

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1 name, address and an emergency contact for their own  
2 safety. Then they would be presented with a  
3 licensing agreement.

4 (Documents marked as Robinson  
5 Exhibits 3-4 for identification)

6 Q. The court reporter has handed you two  
7 documents, the first of which begins with Bates  
8 No. GULLIVERS 000008 at the bottom. That's Exhibit  
9 No. 3. The second one begins with Bates  
10 No. GULLIVERS 000027. That's marked as Exhibit 4.  
11 Can you identify these documents for me.

12 A. Yes. They appear to be copies of the  
13 performer license agreements that have been executed  
14 by the Plaintiffs in this case.

15 Q. Are these the same type of agreements that  
16 you referenced as being agreements that dancers  
17 would sign after auditioning?

18 A. If they were accepted, yes.

19 Q. In Exhibit 3, which is the document Bates  
20 numbered GULLIVERS 8, on the signature page, which  
21 is Bates numbered GULLIVERS 18, do you see a  
22 signature line for Gulliver's Tavern, Incorporated?

23 A. (Examines document) I do.

24 Q. Do you know whose signature that is?

**Doris O. Wong Associates, Inc.**

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1 A. I don't.

2 Q. Are these two agreements the same  
3 agreements that all dancers who have been accepted  
4 after auditioning sign?

5 MR. MILLER: Objection.

6 A. Are you talking about the time period that  
7 is in question here?

8 Q. Yes.

9 A. Well, I don't know the answer to that  
10 because I have not seen any other license agreements  
11 that have been executed.

12 Q. According to the first page of these  
13 documents, it looks like they were executed on the  
14 4th of January 2014. Are you aware of any different  
15 versions of these performer license agreements from  
16 2012 or 2013?

17 A. I am not aware of any, no.

18 Q. When did Gulliver's Tavern start having  
19 entertainers sign performer license agreements?

20 MR. MILLER: Objection.

21 A. I don't know the exact time. It was a  
22 number of years ago.

23 Q. Was it prior to May 2012?

24 A. Yes.

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1 Q. Since May 2012, you don't know if the  
2 performer license agreement has been changed or  
3 modified in any way?

4 MR. MILLER: Objection.

5 A. I am not aware that it has, no.

6 Q. Do you know who it was that prepared these  
7 performer license agreements?

8 A. Well, I know I had worked on them. I'm not  
9 sure if they had any other counsel, outside counsel  
10 work on them as well.

11 Q. Specifically with regard to Exhibit 3 and  
12 Exhibit 4, are these agreements that you prepared?  
13 Do you know if these are the agreements that you  
14 prepared?

15 A. They appear to be, but I can't say for sure  
16 if they were the exact ones that I worked on.

17 Q. Who presents the entertainers with the  
18 performer license agreements to sign?

19 A. I believe it's Lori Savickas.

20 Q. Does she keep blank versions of these  
21 agreements at The Foxy Lady for new dancers to sign?

22 A. I'm not sure if she does or not.

23 Q. But it's not the case that new performer  
24 license agreements are drafted up whole cloth each



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1 time a new dancer passes the audition; is that  
2 correct?

3 MR. MILLER: Objection.

4 A. I can't answer that. I don't know about  
5 any of the other ones other than these two right  
6 here.

7 Q. Are you aware of circumstances in which an  
8 entertainer will be accepted after auditioning and  
9 be allowed to perform at The Foxy Lady without  
10 signing a performer license agreement?

11 A. My understanding is that they are not  
12 allowed until the agreement is signed.

13 Q. You don't know whether they all sign the  
14 same version of the agreement or a different version  
15 of the agreement?

16 A. No, because, like I said earlier, I have  
17 not seen any other signed agreement other than these  
18 two.

19 Q. But in your role as the corporate counsel  
20 for Gulliver's Tavern, you are not aware of other  
21 versions of performer license agreements that  
22 dancers have signed?

23 MR. MILLER: Objection. To be clear, this  
24 is not 30(b)(6) testimony. You can respond.

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1           A.    Are you asking if I have ever seen another  
2 version?

3           Q.    Correct.

4           A.    No, I have never seen another version.

5           Q.    Another version that appears different than  
6 Exhibits 3 or 4?

7           A.    Well, I just gave these two documents a  
8 cursory glance so it's hard for me to say, but these  
9 appear to be ones that they were using for the  
10 entertainers. I can't say if any of them were  
11 modified at any later date, though. I just don't  
12 know.

13          Q.    Are you aware of circumstances in which a  
14 dancer has ever attempted to negotiate or change the  
15 terms in the performer license agreement that she's  
16 been presented with?

17          A.    I am not aware of any circumstances, no.

18          Q.    Would Lori be aware of any circumstances in  
19 which that occurred?

20               MR. MILLER: Objection.

21          A.    I would assume so.

22          Q.    Does Gulliver's Tavern maintain copies of  
23 the executed performer license agreements that  
24 dancers sign?

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1 MR. MILLER: Objection.

2 A. I would assume so. Again, we are talking  
3 about the time period from --

4 Q. Yes, May 2012.

5 A. Yes, I would assume so.

6 Q. What would you base that assumption on?

7 A. It's just something that I think they would  
8 want to keep in the normal course of recordkeeping.

9 Q. Do you know where those agreements, if they  
10 are kept, would be kept?

11 A. No, I do not.

12 Q. Looking at Exhibit 3, Paragraph 7, do you  
13 see Paragraph 7, which is captioned "Services  
14 Provided by the Club"?

15 A. Yes.

16 Q. It lists several items here, and the  
17 paragraph opens, "In addition to the use of the Club  
18 Premises, the Club shall provide the following  
19 services at the Club." Would my assumption that the  
20 club providing these services means that it pays for  
21 some of these services unless specified otherwise in  
22 this contract?

23 MR. MILLER: Objection.

24 A. Well, to the extent that there's any kind

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1 of a fee due, yes.

2 Q. So according to this, the club pays for the  
3 music?

4 MR. MILLER: Objection.

5 A. Yes.

6 Q. And it pays for the dressing facilities,  
7 the lockers, the wait staff, and the beverage service?

8 A. It wouldn't pay anything for the dressing  
9 room and the lockers because they are already there.  
10 They are part of the facility. The wait staff and  
11 the beverage service would be provided by the  
12 waitresses and the bartenders, yes.

13 Q. Then "Advertisement of the Club," that's  
14 something that is provided by Gulliver's Tavern?

15 A. Yes.

16 Q. Meaning that to the extent that advertising  
17 costs money, Gulliver's Tavern pays that bill?

18 MR. MILLER: Objection.

19 A. If you are talking about general  
20 advertising of the club, then obviously the club  
21 would pay for that. As it says here, if it's  
22 specific to the performer, the performer shall pay  
23 the cost.

24 Q. Are you aware of circumstances in which

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1 performers have had advertising specifically for  
2 them?

3 A. I'm not aware of any, no.

4 Q. Are you aware of circumstances in the past  
5 three or four years in which a performer has paid  
6 for the cost and expense of advertising?

7 MR. MILLER: Objection.

8 A. No, I'm not aware of that.

9 Q. Do you know of anyone that would be aware  
10 of that?

11 A. I'm assuming that Lori Savickas would know.  
12 I don't know for sure, though.

13 Q. What sort of general advertising does  
14 Gulliver's Tavern pay for?

15 A. I think that's been provided in the  
16 discovery. There's been copies of at least  
17 newspaper ads that were provided. I know there's  
18 newspaper advertising that is done.

19 Q. What about fliers or posters?

20 A. They may.

21 Q. Have any of the entertainers been featured  
22 in any of these newspaper ads or other advertisements?

23 A. Well, when you refer to "the entertainers,"  
24 I don't understand what you are talking about.

**Doris O. Wong Associates, Inc.**

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1 Q. I'm referring to the women that perform the  
2 dancing services at The Foxy Lady.

3 A. Not to my knowledge.

4 Q. When you say not to your knowledge, you  
5 mean you don't know or you mean that in the  
6 advertisements that you have seen, there have not  
7 been entertainers that --

8 A. Well, I'm assuming that the provisions of  
9 this agreement would control any advertising for a  
10 specific performer and that they would be paying for  
11 that. That's what I'm basing my answer on.

12 Q. But you are not aware of a general  
13 advertisement, such as a newspaper ad or flier, that  
14 features an entertainer on it not by name but just  
15 their image, their photograph?

16 A. No, I am not aware of that.

17 Q. So going back to Exhibit 3 on document  
18 Bates No. GULLIVERS 19, there's an Exhibit A  
19 attachment, do you see that?

20 A. (Examines document) Yes.

21 Q. Do you know who drafted Exhibit A?

22 A. Well, I had a hand in drafting it after  
23 discussion with several of the managers at The Foxy  
24 Lady.

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1 Q. When did that discussion take place?

2 A. It was a number of years ago, I don't know,  
3 seven, eight, nine years ago.

4 Q. So prior to 2012?

5 A. Oh, yes.

6 Q. Do you know if this Exhibit A has been  
7 included as an attachment to all the performer  
8 license agreements in use since May 2012?

9 A. I don't know the answer to that.

10 Q. Would Lori know the answer to that?

11 MR. MILLER: Objection.

12 A. She may.

13 Q. Exhibit A, for lack of a better word, the  
14 title seems to be "Club Rules for Entertainers"; is  
15 that fair to say?

16 MR. MILLER: Objection.

17 A. That's what it says, yes.

18 Q. Have these bulleted items changed at all  
19 over the past three years?

20 A. I don't think so, but I cannot say for sure  
21 because I have not seen all of the agreements that  
22 have been executed during that time frame.

23 Q. What was the thought process that went into  
24 identifying these particular items under the heading

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1 "Club Rules for Entertainers"?

2 MR. MILLER: I will object to the form. I  
3 will instruct you to exclude from the response any  
4 attorney-client communications.

5 A. Well, then, I can't answer.

6 Q. Okay. So the thought process that went  
7 into crafting this was all part of an  
8 attorney-client conversation or communication?

9 A. I would say so, yes.

10 Q. Would it be fair to say that these are the  
11 rules that the entertainers are required to follow  
12 while performing at The Foxy Lady?

13 MR. MILLER: Objection.

14 A. I don't think I would phrase it that way,  
15 no.

16 Q. How would you phrase it?

17 A. Well, there's no requirement. I think  
18 these rules are more for their own safety than  
19 anything else, also to make sure that nothing is  
20 done by anybody really to put the licenses, the  
21 entertainment and liquor license, in jeopardy. So  
22 it's just common sense guidelines, is what I would  
23 call them.

24 Q. Are you aware of circumstances in which



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1 managers have enforced these rules with respect to  
2 the entertainers at The Foxy Lady?

3 MR. MILLER: Objection.

4 A. Well, I believe one of your clients was let  
5 go because she brought drugs onto the premises. So  
6 yes, I am aware of that.

7 Q. Are you aware of any other circumstances?

8 A. Personally?

9 Q. Sure.

10 A. In the last three years?

11 Q. Yes.

12 A. No.

13 Q. Aside from the incident that you just  
14 mentioned with regard to one of the Plaintiffs in  
15 this case?

16 A. I am not, but that doesn't mean it didn't  
17 happen. They don't tell me every time someone fails  
18 to follow a rule like that.

19 Q. What is the reason for stating that the  
20 entertainer must possess proper picture  
21 identification showing that you are at least  
22 21 years old?

23 MR. MILLER: Objection.

24 A. To make sure that the entertainers are of

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1 an age that they won't run afoul of the state and  
2 local statutes and ordinances.

3 Q. Do you have to be 21 years old in order to  
4 work as an entertainer at The Foxy Lady?

5 MR. MILLER: Objection.

6 A. According to this you do, yes.

7 Q. As a practical matter, do you know if  
8 entertainers are expected to be 21 years old in  
9 order to work at The Foxy Lady?

10 A. I believe so, yes.

11 Q. The second item on this list is "Have  
12 respect for other entertainers." What is the  
13 rationale or the basis for that?

14 A. Again, I think it's common sense. I would  
15 think you would always want to have individuals who  
16 are performing services with other individuals to  
17 treat them with respect.

18 Q. The third item is, "Do not leave the  
19 premises with a customer or meet a customer outside  
20 the premises." What is the basis or the rationale  
21 for that?

22 MR. MILLER: Objection.

23 A. Well, clearly I think the safety of the  
24 entertainer is what they are trying to ensure there.

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1 Q. I assume that the item, "No possession or  
2 use of illegal drugs on the premises" is in order to  
3 comply with drug laws?

4 MR. MILLER: Objection.

5 A. Well, certainly that's a primary  
6 consideration, but again, as I mentioned earlier,  
7 the club has a vested interest in maintaining their  
8 entertainment and liquor licenses, and so they want  
9 to make sure that events don't occur that would put  
10 those licenses in jeopardy. That's part of it as  
11 well.

12 Q. Is that the same rationale for the "No  
13 excessive drinking in the club" item under that?

14 MR. MILLER: Objection.

15 A. I would assume so, safety as well.

16 Q. Safety of who?

17 A. Well, excessive drinking is not good for  
18 your health.

19 Q. Any reason other than those two items?

20 A. Which two items?

21 Q. The safety and the not jeopardizing the  
22 liquor license or other licenses.

23 A. I would think those would be the reasons,  
24 yes.

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1 Q. Are the entertainers allowed to consume  
2 alcoholic beverages at The Foxy Lady?

3 MR. MILLER: Objection.

4 A. I don't know if they are allowed to. They  
5 may. I just don't know.

6 Q. Do you know who would know that?

7 MR. MILLER: Objection.

8 A. Well, I would think Lori Savickas would  
9 know.

10 Q. The next item is "You must be dressed  
11 before you leave the stage or dance area." What is  
12 the reason for that item?

13 A. I'm guessing that they probably don't want  
14 entertainers walking around the club premises  
15 without clothes on. Again, that's just...

16 Q. But the performances that the entertainers  
17 do at the club involve them removing their clothes,  
18 correct?

19 MR. MILLER: Objection.

20 A. Yes, while they are on the stage or a dance  
21 area.

22 Q. Skipping the next two, the item reads, "Two  
23 feet are to remain on the floor when in any dance  
24 area," do you see that?

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1 A. Yes.

2 Q. What is the rationale behind that line  
3 item?

4 MR. MILLER: Objection.

5 A. Well, I'm sure that is there to discourage  
6 activities which, again, may jeopardize the license  
7 and/or be illegal.

8 Q. What about the item "All booths, cabanas  
9 and other semi private rooms are subject to  
10 inspection at any time," what is the reason or  
11 rationale for that?

12 MR. MILLER: Objection.

13 A. I would say the same.

14 Q. Being safety and not jeopardizing the  
15 licenses?

16 A. Yes, and not participating in illegal  
17 activities.

18 Q. The next item is "All purses, bags and  
19 lockers are subject to searches if drug activity is  
20 suspected." Have such searches been conducted at  
21 The Foxy Lady during the past three years that you  
22 are aware of?

23 A. I'm not aware that they have. I just don't  
24 know.

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1 Q. What was the reason for implementing this  
2 item?

3 MR. MILLER: Objection.

4 A. Well, as you can see from your own client,  
5 there are times when illegal substances are brought  
6 onto the club premises, and so they really want to  
7 make sure that there are no illegal activities going  
8 on within the club premises.

9 Q. What is the reason behind the item that  
10 says that no item is allowed to enter the DJ area  
11 for any reason?

12 MR. MILLER: Objection. I think you  
13 misread that.

14 Q. What did I say? In any event, what is the  
15 reason behind that item?

16 A. Well, I'm guessing, but I would think that  
17 you want to make sure that there's no interference  
18 with the DJ as he is performing his services.

19 Q. Have there been circumstances in which an  
20 entertainer has interfered with the DJ during the  
21 performance of his services?

22 MR. MILLER: Objection.

23 A. In the last three years?

24 Q. Uh-huh.

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1           A.     Not that I'm aware of.

2           MR. MILLER:   If you are switching gears,  
3     Brant, a bathroom break would be good.

4           MR. CASAVANT:   Sure.   We can take a break.

5           (Recess at 11:09 a.m.)

6                         (Documents marked as Robinson  
7                         Exhibits 5-6 for identification)

8           BY MR. CASAVANT:   (11:21 a.m.)

9           Q.     The court reporter just handed you what  
10    were marked as Exhibits 5 and 6.   Exhibit 5 is Bates  
11    No. GULLIVERS 000007, and Exhibit 6 is Bates  
12    No. GULLIVERS 000026.   Could you identify what these  
13    document are.

14          A.     These appear to be the information sheet,  
15    sheets that were prepared by your clients when they  
16    began providing -- before they began providing  
17    services at The Foxy Lady.

18          Q.     Services as entertainers?

19          A.     Yes.

20          Q.     When you say "prepared," do you mean they  
21    filled in the information on these forms?

22          MR. MILLER:   Objection.

23          A.     Well, I didn't see them do it, but I am  
24    assuming that that's their writing.

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1           Q.    But they didn't prepare these in the sense  
2           that they typed up the club position, shift, start  
3           date items?

4           A.    I would say not.

5           Q.    Are these forms filled out by all  
6           entertainers who have obtained a license to perform  
7           at The Foxy Lady?

8                   MR. MILLER:  Objection.

9           A.    Well, I'm not sure they've obtained a  
10          license.  They are being allowed to perform  
11          services.  I would say that this is a fair  
12          representation of a form that they would fill out,  
13          yes.

14          Q.    Do you know who created these forms?

15                   MR. MILLER:  Objection.

16          A.    I do not.

17          Q.    So it's fair to say you did not create  
18          these forms?

19          A.    I did not.

20          Q.    Do you know if Gulliver's Tavern keeps  
21          these filled out sheets for their dancers anywhere?

22                   MR. MILLER:  Objection.

23          A.    I guess that would vary on the  
24          entertainers.  I don't know where they would keep



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1       them. I just don't know that.

2           Q. Are you familiar with the term known as a  
3       "dancer file"?

4           A. Dancer file?

5           Q. Yes.

6           A. No. I never heard the term.

7           Q. Do you know if Gulliver's Tavern maintains  
8       records for the entertainers that perform services  
9       at The Foxy Lady?

10           MR. MILLER: Objection.

11           A. Do I know if they do?

12           Q. Yes.

13           A. Again, I think that would depend. I don't  
14       know for sure. And if you are referring to the  
15       period of time from May 2012, I would think that  
16       they would have a file for any entertainer who was  
17       presently providing services at the club.

18           Q. Do you have a sense as to what items or  
19       documents would be in that file?

20           A. More than likely it would include these  
21       information sheets that have been marked as  
22       Exhibits 5 and 6 and the performer license agreement  
23       that had been executed by the individual. Again, I  
24       have not seen any other information sheets besides

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1 the two that I have in front of me, so I can't say  
2 for sure.

3 Q. Can you think of any other documents that  
4 would be in those files besides the two items that  
5 you just identified?

6 MR. MILLER: Objection.

7 A. No, because I have never seen a file. I  
8 can't answer that.

9 Q. And you have no sense as to where these  
10 files would be kept physically?

11 MR. MILLER: Objection.

12 A. No, I don't.

13 Q. Besides the performer license agreement and  
14 these information sheets, are you aware of any other  
15 document that entertainers fill out after they have  
16 auditioned and given permission to perform services  
17 at The Foxy Lady?

18 A. I am not.

19 Q. Why does Gulliver's Tavern have their  
20 entertainers fill out these information sheets which  
21 are Exhibits 5 and 6?

22 A. Well, certainly one of the reasons is to  
23 provide an emergency contact for their own safety in  
24 case of an emergency; as you can see, they ask for a

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1 copy of their identification, in this case driver's  
2 license, for proof of age.

3 Q. Why does Gulliver's Tavern request that  
4 they provide what looks like their Social Security  
5 number?

6 MR. MILLER: Objection.

7 A. I don't know.

8 Q. Thanks. You can put that to the side.

9 Has it ever occurred that an entertainer  
10 has lost permission or had their permission to  
11 perform at The Foxy Lady revoked?

12 A. Yes.

13 Q. What are the circumstances in which that  
14 has occurred?

15 A. One of your clients lost her right to  
16 provide services because she had brought drugs onto  
17 the premises.

18 Q. Are you aware of any other circumstances?

19 MR. MILLER: Objection.

20 A. Well, those are the only two files that I  
21 have looked at, and so I'm not aware of any others,  
22 no.

23 Q. Other than bringing illegal substances onto  
24 club property, what are some of the other reasons

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1 for why an entertainer might lose permission to  
2 perform at The Foxy Lady?

3 MR. MILLER: Objection.

4 A. I can't answer that. I mean, just not  
5 having seen any of the other files, I just don't  
6 know.

7 Q. Who would make the decision to revoke  
8 permission for an entertainer to work at The Foxy  
9 Lady?

10 MR. MILLER: Objection.

11 A. I think that would depend on the case.

12 Q. What would it depend on?

13 A. Just the circumstances of each case. I  
14 can't answer that because I don't know in what other  
15 cases an entertainer has been told she can no longer  
16 perform services. I don't know who would make that  
17 decision in those cases.

18 Q. Who made the decision in the case of the  
19 Plaintiff in this matter that you were referring to?

20 A. I don't know who did that.

21 Q. Could Lori revoke an entertainer's right to  
22 perform at the club?

23 MR. MILLER: Objection.

24 A. I don't know. Again, I can't answer that

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1 because I have not seen any of the other  
2 circumstances.

3 Q. So you don't know whether she would have  
4 the authority to do that?

5 A. She may, but without having seen the actual  
6 facts of the case, I can't say for sure.

7 Q. What about Mr. Webber, would he have the  
8 authority as general manager to tell a dancer that  
9 she cannot perform at the club anymore?

10 A. Same answer. Again, that would depend on  
11 what happened.

12 Q. Are you aware of any circumstances in which  
13 a dancer has had her permission to work at the club  
14 revoked and then was allowed to come back at a later  
15 date?

16 A. I am not aware of any in the time period  
17 that we're talking about.

18 Q. Aside from dancing, do the entertainers  
19 provide any other services at The Foxy Lady?

20 MR. MILLER: Objection.

21 A. No.

22 Q. How are the dancers compensated for the  
23 work that they do at The Foxy Lady?

24 A. They are not compensated by The Foxy Lady.

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1 Q. Are they compensated in any other way?

2 A. Well...

3 Q. Not by The Foxy Lady but in any sense.

4 A. Well, they may receive gratuities from  
5 customers, but nothing from The Foxy Lady.

6 Q. Is it fair to say that their sole source of  
7 remuneration from working at The Foxy Lady would be  
8 money paid to them by customers?

9 A. Yes.

10 Q. Do the entertainers have to pay any sort of  
11 a fee to Gulliver's Tavern in order to perform at  
12 The Foxy Lady?

13 A. No.

14 Q. Do they have to pay any sort of a fee to  
15 any entity in order to perform at The Foxy Lady?

16 A. No.

17 Q. Has that changed at all in the past three  
18 years?

19 A. Not that I'm aware of.

20 Q. Have the entertainers had to pay rent in  
21 order to perform at the club?

22 A. No, they don't have to.

23 Q. Has it happened, whether it's required or  
24 permitted or otherwise, that entertainers have paid

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1 rent or fees to perform at The Foxy Lady?

2 A. It has happened but it's extremely rarely.

3 Q. What do you mean by "extremely rarely"?

4 A. I can probably count the number of times on  
5 both hands.

6 Q. That an entertainer has paid a sum of money  
7 to provide services at The Foxy Lady?

8 A. Yes.

9 Q. How would you know that it's only happened  
10 enough times to count on two hands?

11 A. Because I have had discussions with  
12 managers at The Foxy Lady, and they have indicated  
13 that.

14 Q. Indicated that it doesn't happen --

15 A. Almost never.

16 Q. That it almost never happens?

17 A. Yes.

18 Q. Returning to Exhibit 3, which is the  
19 agreement that would have Levi's name on it, if you  
20 turn to the second page, Paragraph 3 says, "Rental  
21 Fee," do you see that paragraph?

22 A. I do.

23 Q. That refers to the performer agreeing to  
24 pay the club a rental or license fee as posted on

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1 the premises, do you see that?

2 A. I do.

3 Q. Is that paragraph not accurate?

4 A. It's accurate but seldom enforced.

5 Q. So it's seldom the case that management at  
6 The Foxy Lady collects a rental fee from the  
7 entertainers?

8 A. That's correct.

9 Q. Aside from your communications with the  
10 managers about the rental fee, do you have any other  
11 independent basis for determining how often  
12 entertainers have paid a rental fee to work at the  
13 club?

14 A. No.

15 Q. To the extent that entertainers have paid a  
16 rental fee, who would they pay that to?

17 MR. MILLER: Objection.

18 A. I don't know. I guess it would depend on  
19 the circumstances. I just don't know.

20 Q. Would the managers who you communicated  
21 with about this issue know?

22 MR. MILLER: Objection.

23 A. They may.

24 Q. What is your understanding as to why it is



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1 that the rental fee is almost never collected from  
2 entertainers?

3 A. I don't have an understanding because I  
4 didn't ask that question.

5 Q. But it's a term in the performer license  
6 agreement?

7 A. Yes.

8 Q. And you yourself have drafted some version  
9 of the performer license agreement at some point; is  
10 that correct?

11 A. That's correct.

12 Q. Do you recall including a provision about  
13 the rental fee?

14 A. Yes.

15 Q. Why include it in the performer license  
16 agreement if it's almost never going to be enforced  
17 or applied?

18 A. I can't speak for the motivations as to why  
19 the fee was or was not collected. It's in the  
20 agreement, and that's as far as my part of it went.

21 Q. To the extent the rental fee has been paid  
22 or collected at any point, do you have a sense as to  
23 how much it was?

24 A. No, I don't.

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1           Q.    Are you aware of a circumstance in which a  
2 performer has had her permission to work at the club  
3 revoked as a result of failing to pay a rental fee?

4           A.    I am not.

5           Q.    Are you aware of a circumstance in which a  
6 dancer has had permission to work at the club  
7 revoked due to getting into a physical altercation  
8 with a customer?

9           A.    No, I'm not aware of any -- of the  
10 circumstances of any termination of the right to  
11 perform other than these two cases that are in front  
12 of us now.

13          Q.    So if I went through a specific list of  
14 examples of entertainers having their permission  
15 terminated to work at The Foxy Lady, you would not  
16 be able to provide me with any answer as to whether  
17 you know that happened or not, again, aside from  
18 these two individuals who are the Plaintiffs in this  
19 case?

20          A.    Correct.

21          Q.    Has anyone at The Foxy Lady ever collected  
22 any other fees from the entertainers besides the  
23 rental fee?

24               MR. MILLER:  Objection.

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1 A. I am not aware of it, no.

2 Q. Are you familiar with a term called a "late  
3 fee"?

4 A. Late fee?

5 Q. Yes.

6 A. No. I have not heard that term.

7 Q. Do you know if the entertainers at The Foxy  
8 Lady are expected to be available to work a certain  
9 number of shifts per week?

10 MR. MILLER: Objection.

11 A. No. I don't think they are expected to,  
12 no. That's not my understanding.

13 Q. What is your understanding?

14 A. That they are not expected to.

15 Q. So entertainers can work any number of  
16 shifts that they would like to at The Foxy Lady?

17 A. Yes.

18 Q. Be it one shift per week or 50 shifts per  
19 week?

20 A. That's correct.

21 Q. You are not aware of a guideline that they  
22 be available to work at least, say, three shifts per  
23 week?

24 MR. MILLER: Objection.

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1           A.     If such a guideline exists -- and I'm not  
2     sure it does -- I'm sure it's just a suggestion, not  
3     a requirement.

4           Q.     Do you know how scheduling of the  
5     entertainers works at The Foxy Lady?

6           A.     There is no scheduling. They come and go  
7     as they please.

8           Q.     So entertainers are not scheduled to work  
9     particular shifts in advance?

10          A.     No.

11          Q.     How does the facility ensure that it has  
12     any entertainers on site at any particular time?

13          A.     Well, I guess they just have to wait and  
14     see who shows up.

15          Q.     So has that been consistently the case  
16     since May of 2012, that the club just waits to see  
17     who shows up?

18          A.     I'm sure it has.

19          Q.     How are you so sure?

20          A.     Because I'm not aware that things have  
21     changed.

22          Q.     So management at the club doesn't take any  
23     steps to ensure that there will be entertainers on  
24     site during any particular time of day or day of the

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1 week?

2 A. Not that I'm aware of.

3 Q. Are you aware of particular shifts, like a  
4 morning shift, afternoon shift, evening shift, that  
5 entertainers work?

6 A. I'm not sure I understand what you mean by  
7 "shift." Are you talking about blocks of time?

8 Q. Yes.

9 A. No, I don't know. I mean, obviously the  
10 club is open for certain hours. You know, there's  
11 going to be people coming and going throughout.

12 Q. But as far as you are aware, at The Foxy  
13 Lady the entertainers don't work scheduled shifts,  
14 meaning from, like, 4:00 p.m. to 10:00 p.m., or  
15 10:00 p.m. to 1:00 a.m., or something along those  
16 lines?

17 A. No.

18 (Documents marked as Robinson

19 Exhibits 7-8 for identification)

20 Q. The court reporter handed you what we've  
21 marked as Exhibits 7 and 8. No. 7 is Bates  
22 No. GULLIVERS 1, and No. 8 is GULLIVERS 22. Can you  
23 identify what these are for me.

24 A. They appear to be copies of -- they are

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1 labeled, "Performance Record," and they're for the  
2 two Plaintiffs in this case.

3 Q. Aside from being labeled "Performance  
4 Record," do you have an independent understanding of  
5 what they are?

6 A. My understanding is that these documents  
7 were used to keep track of the times that these  
8 individuals did provide services at the club.

9 Q. You used the past tense there. You mean  
10 this records prior time, like times they performed  
11 previously?

12 A. No. I used the past tense because we are  
13 talking today about an event that happened in the  
14 past.

15 Q. I see. Okay. Do you know who filled out  
16 these particular performance records, Exhibits 7 and  
17 8?

18 A. I don't.

19 Q. Does The Foxy Lady maintain performance  
20 records for all of its entertainers?

21 A. I cannot answer that because, again, I only  
22 looked at these two files.

23 Q. Do you know who would know whether The Foxy  
24 Lady has maintained performance records for its

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1 dancers?

2 A. It would depend. I mean, it's hard for me  
3 to say.

4 Q. Do you know if these performance records  
5 were maintained in the files for Ms. Levi and  
6 Ms. Chicoine?

7 A. I don't know that.

8 Q. Exhibit 7 and Exhibit 8 show days that the  
9 two Plaintiffs either worked at the club as an  
10 entertainer or failed to show up or walked in; is  
11 that fair to say?

12 A. It would appear that that's the case, yes.

13 Q. At the bottom of each page, there's a -- I  
14 don't know how to describe it. There's sort of a  
15 caption for various acronyms, one of which is "SU,"  
16 which I guess, according to this document, stands  
17 for show up, do you see that?

18 A. I do.

19 Q. Looking at Exhibit 7, for instance, there  
20 are several instances of SU, SU, which at least,  
21 again, according to the document, means that she  
22 showed up, I assume; is that fair to say?

23 MR. MILLER: Objection.

24 A. Well, again, I was not there when they

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1 filled these out, when they were filled out. If you  
2 believe the legend at the bottom of the page, that's  
3 apparently what it indicates.

4 Q. Were the days on these calendars filled out  
5 contemporaneously with the particular day of the  
6 week of that month?

7 MR. MILLER: Objection.

8 A. I don't know at what time period they were  
9 filled out.

10 Q. So you don't know if they were filled out  
11 after the fact or the same day?

12 A. No, I don't know that.

13 Q. On the legend there's an item for no show.  
14 It says, "NS," do you see that?

15 A. Yes.

16 Q. If Ms. Weldon or Ms. Chicoine didn't have a  
17 preset schedule to work as an entertainer at the  
18 facility, why would there be a no show option?

19 MR. MILLER: Objection.

20 A. Most likely just for recordkeeping, nothing  
21 more than that really.

22 Q. Why keep track of when a dancer, such as  
23 the Plaintiffs, don't show up if they are never  
24 expected to show up and they can just walk in



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1 whenever they like?

2 A. Just to complete the record. I mean,  
3 there's no other reason that I can think of.

4 Q. But, then, shouldn't every day on this  
5 calendar they are not at The Foxy Lady say "NS" on  
6 it on days they didn't work?

7 MR. MILLER: Objection.

8 A. I don't know the answer to that. I had no  
9 involvement in the preparation of these documents,  
10 so I can't answer that.

11 Q. So your testimony today is that the  
12 entertainers at The Foxy Lady have no preset  
13 schedule that they are expected to work at The Foxy  
14 Lady?

15 A. Correct.

16 Q. And you are not aware of any member of the  
17 management staff who makes schedules for the dancers  
18 or calls them to arrange them to work in particular  
19 shifts or anything along those lines?

20 A. No, I am not. I don't think that happens.

21 Q. Are you aware of dancers being required to  
22 work particular events?

23 MR. MILLER: Objection.

24 A. No. I've never heard that.

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1 Q. On Fridays, during the past three years,  
2 has The Foxy Lady offered a service called "Legs and  
3 Eggs Brunch"?

4 A. I believe they have, yes.

5 Q. What is your understanding as to what that  
6 event is?

7 A. I believe that that is just an event that  
8 occurs on that particular day of the week that is  
9 designed to increase business for that period of  
10 time.

11 Q. What is offered at the Legs and Eggs Brunch?

12 A. There is a brunch, so there's food, and of  
13 course alcohol and perhaps entertainment.

14 Q. Entertainment in what form?

15 A. The dancing.

16 Q. Are you aware of any circumstances in which  
17 an entertainer was told they need to work an Eggs  
18 and Legs Brunch?

19 A. No, I am not.

20 Q. You are not aware of a circumstance in  
21 which a manager has told a specific dancer that they  
22 need to work an Eggs and Legs Brunch?

23 A. No. They are not told they have to work.  
24 It's all voluntary.

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1 Q. Under any circumstance?

2 A. As far as I know.

3 Q. Does the facility have a Monday Night  
4 Football evening?

5 A. I don't know if they still are doing that.

6 Q. But were they doing it at some point in the  
7 last three years?

8 A. They may have.

9 Q. Does the nightclub offer entertainment in  
10 the form of dancers at that event?

11 MR. MILLER: Objection.

12 Q. Or did it back when it was happening?

13 MR. MILLER: Objection.

14 A. I cannot say for sure. If the club was  
15 open during that time -- and I'm assuming that it  
16 was -- and entertainers showed up to dance, they  
17 probably did.

18 Q. But it's not the case, you are saying, that  
19 a manager would have told any dancers that they  
20 needed to work on a Monday Night Football shift?

21 A. I am not aware of any circumstance where  
22 that happened, no.

23 Q. Turning back quickly to Exhibits 7 and 8,  
24 the performance records, do you know if Gulliver's

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1 Tavern or The Foxy Lady maintains these records for  
2 any of the other individuals that work at The Foxy  
3 Lady?

4 A. I don't know that.

5 Q. Are there stages inside The Foxy Lady?

6 A. Are you referring to dance stages?

7 Q. Yes.

8 A. Yes.

9 Q. How many are located within the facility?

10 A. My best recollection from the last time I  
11 was in that part of the club would be three or four.

12 Q. Are those stages located on both floors of  
13 the facility or just one floor?

14 A. I believe on both.

15 Q. Do the dancers use those stages to perform?

16 A. Yes.

17 Q. Are the dancers scheduled to perform on the  
18 stage a certain number of times per night or per  
19 day?

20 A. No.

21 Q. So they can perform on stage as many times  
22 as they want?

23 A. Yes.

24 Q. How is it determined who will do a stage

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1 performance at what time or who will use which  
2 stage?

3 A. Well, when an entertainer shows up at the  
4 club indicating that they want to perform, then it's  
5 up to the house mom to indicate which stage they  
6 would dance on at that point.

7 Q. When you say "it's up to the house mom,"  
8 what do you mean by that?

9 A. Well, there has to be somebody who informs  
10 the entertainers which stage they can utilize to  
11 perform their services, and that's the job of the  
12 house mom.

13 Q. How many house moms are usually present at  
14 the club each day?

15 MR. MILLER: Objection.

16 A. At any one time or during the whole day?

17 Q. At any one time.

18 A. My understanding is there's usually one.

19 Q. Are the entertainers expected to perform a  
20 certain number of stage performances while they are  
21 at the club?

22 A. No.

23 Q. During the stage performances, the dancers  
24 collect tips from customers; is that correct?

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1 A. Yes.

2 Q. Do they get to keep all that money?

3 A. I would assume so.

4 Q. They don't have to pay the facility a  
5 portion of that money at the end of the shift?

6 A. Well, are you talking about the dancing on  
7 stage?

8 Q. Yes.

9 A. No.

10 Q. So there isn't any specific fee or  
11 commission that the venue collects for stage  
12 performances?

13 A. No.

14 Q. How is it determined what particular music  
15 the dancers will perform to while on stage?

16 A. That's up to the DJ.

17 Q. So he decides what music will be used?

18 A. Yes.

19 Q. Do the dancers have any input on that?

20 MR. MILLER: Objection.

21 A. They may make suggestions, I don't know,  
22 but I think the ultimate decision is up to the DJ.

23 Q. When an entertainer is not performing on  
24 stage, what are they typically doing at the

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1 facility?

2 MR. MILLER: Objection.

3 A. I don't know. I have not been in there  
4 during that time.

5 Q. Is there an expectation by the club as to  
6 what they should be doing?

7 A. No. They are free to associate with  
8 customers if they feel that's what they want to do.

9 Q. Is there a locker room at The Foxy Lady  
10 that the entertainers can use?

11 A. Yes.

12 Q. Is it a private locker room? Customers are  
13 not allowed to enter?

14 A. Absolutely not. Customers cannot go in.

15 Q. So absolutely it's private?

16 A. Yes.

17 Q. When an entertainer is not performing on  
18 stage, can she just hang out in the locker room the  
19 whole time?

20 A. Yes.

21 Q. Could an entertainer show up at The Foxy  
22 Lady, perform on stage just once and then just leave?

23 A. Yes.

24 Q. Are you aware of a circumstance in which

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1 management at The Foxy Lady has communicated to the  
2 entertainers they need to be there for a particular  
3 duration once they show up?

4 A. No.

5 Q. Are you aware of any circumstances that  
6 managers at The Foxy Lady communicated to dancers  
7 that they need to perform a certain number of stage  
8 performances while they are there?

9 MR. MILLER: Objection.

10 A. No.

11 MR. CASAVANT: Off the record.

12 (Discussion off the record)

13 (Recess at 11:58 a.m.)

14 BY MR. CASAVANT: (12:05 p.m.)

15 Q. Does management at the club have a  
16 preference for how many times per week an  
17 entertainer will work at The Foxy Lady?

18 MR. MILLER: Objection.

19 A. No. I mean, there's no preference, no.

20 Q. If an entertainer walks in off the street  
21 and hasn't previously auditioned or signed an  
22 entertainer agreement, will she be allowed to  
23 perform at The Foxy Lady?

24 A. My understanding is no.



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1 Q. So are you aware of circumstances in which  
2 an entertainer walked in off the street and asked to  
3 audition to work there?

4 A. Asked to audition?

5 Q. Yes.

6 A. I'm sure it's happened.

7 Q. Are you aware of circumstances in which an  
8 entertainer walked in off the street and asked to  
9 perform at The Foxy Lady?

10 A. I'm sure that happened too, but they  
11 wouldn't be allowed to.

12 Q. Until they audition?

13 A. That's correct.

14 Q. And sign the entertainer license agreement?

15 A. Correct.

16 Q. Does The Foxy Lady have VIP areas?

17 MR. MILLER: Objection.

18 A. What do you mean by that?

19 Q. Private or semi-private rooms or cabanas.

20 A. Yes.

21 Q. Are those available for customers to use?

22 A. Yes.

23 Q. How does a customer arrange to use those  
24 spaces?

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1           A.     Well, my understanding is that they would  
2     more than likely have a particular entertainer in  
3     mind to accompany them, at which point they would  
4     more than likely speak to a floor host and let them  
5     know of their interest. Then if the entertainer is  
6     willing to meet with them, then it would be arranged  
7     at that point.

8           Q.     Does the customer have to pay any sort of a  
9     fee to the venue in order to use the VIP area?

10          A.     No.

11          Q.     And it's the floor hosts who make those  
12     arrangements?

13          A.     I think it's the floor hosts who are at  
14     least the initial contact. It may have to be  
15     mentioned to a manager, the manager on duty. I'm  
16     not 100 percent sure of the protocol, but some  
17     member of the staff would have to be informed to  
18     arrange it.

19          Q.     And that's because there's a finite number  
20     of rooms and you don't want to double-book if they  
21     are all used or something like that?

22          A.     Yes, and also the entertainer has to agree.

23          Q.     Right. Are you aware of circumstances in  
24     which an entertainer has declined to go to a VIP

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1 room with a customer?

2 A. I'm sure it's happened.

3 Q. Why are you sure it's happened?

4 A. Because human nature being what it is, they  
5 may not want to.

6 Q. Aside from human nature, are you aware of  
7 specific occasions where a dancer had declined to go  
8 to a VIP room with a customer?

9 A. I am not personally aware.

10 Q. Do dancers offer customers anything along  
11 the line of a table dance or a lap dance when they  
12 are not on stage?

13 A. That could happen.

14 Q. Does it happen?

15 A. I'm sure it does.

16 Q. Dancers collect money from customers for  
17 performing those services; is that right?

18 A. That's correct.

19 Q. Are there particular set amounts they are  
20 supposed to collect for table dances or lap dances?

21 MR. MILLER: Objection.

22 A. They are not supposed to do anything. I  
23 think there's guidelines or suggestions that are  
24 given to them.

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1 Q. What are the guidelines or suggestions that  
2 are given to them?

3 A. I don't know the exact numbers off the top  
4 of my head, but I think that the numbers would vary  
5 based on the circumstances. For example, table  
6 dance versus lap dance versus cabana, the suggested  
7 amount to be collected is different in each case.

8 Q. Can you give me the range of the suggested  
9 amounts?

10 A. I think the minimum is probably \$25, and I  
11 think it could go up to \$250 depending on which one  
12 of the options are selected.

13 Q. Who sets those guidelines or suggestions?

14 A. I think it's just something that -- I would  
15 have to say the management.

16 Q. Are they posted in writing anywhere in the  
17 club?

18 A. Not that I'm aware of.

19 Q. To the extent it's management that conveys  
20 that, how is that information -- how do the managers  
21 relay that information to an entertainer?

22 A. I would assume it's through the house moms  
23 they would probably convey that information.

24 Q. But you don't know for certain?

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1 A. No, I don't.

2 Q. From the amounts that dancers collect for  
3 things like table dances and lap dances, do they  
4 have to turn any of that over to the facility?

5 A. Yes.

6 Q. What do they have to turn over?

7 A. What amount?

8 Q. Yes.

9 A. It varies, again, based on the option. I  
10 think it's a percentage, 10 or 15 percent of  
11 whatever is taken in by the entertainer.

12 Q. Is that a requirement?

13 A. It's a suggestion.

14 Q. Who do the dancers pay that amount to?

15 A. I'm not sure if it's the house mom or the  
16 manager. I don't know.

17 Q. When are they supposed to pay over that  
18 amount?

19 A. I would think before they leave the club.

20 Q. What does the club do with that money?

21 MR. MILLER: Objection.

22 A. Put it in the bank.

23 Q. So it keeps it as revenue?

24 A. Yes.

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1           Q.    Are you aware of circumstances in which a  
2 dancer has refused to pay the percentage out of  
3 those amounts?

4           A.    It may have happened, but I'm not aware of  
5 any.

6           Q.    You are not aware of any circumstances in  
7 which that has happened?

8           A.    No, I am not.

9           Q.    Have you had conversations with the  
10 management at The Foxy Lady concerning the  
11 percentages collected from table dances and lap  
12 dances, and so forth?

13               MR. MILLER:   I'm going to instruct you to  
14 exclude from the response any communications that  
15 occurred in an attorney-client capacity.

16           A.    Then I will to decline.

17           Q.    So all of those conversations would fall  
18 into that?

19           A.    Yes.

20           Q.    Are you aware that management at The Foxy  
21 Lady maintains any lists of who among the  
22 entertainers has paid percentages from their private  
23 dance collections?

24           A.    No.   I mean, Gulliver's Tavern does not

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1 keep track of their side of it. That's up to them.

2 Q. Who are you referring to by "that's up to  
3 them"?

4 A. The entertainers. Gulliver's Tavern  
5 doesn't keep track of that information.

6 Q. Gulliver's Tavern does not keep track of  
7 the amount that the entertainers have paid to  
8 Gulliver's?

9 A. No. Gulliver's does not keep track of the  
10 money that is retained by the entertainers.

11 Q. My question is slightly different.  
12 Gulliver's does not keep track of the amounts that  
13 the entertainers keep for themselves?

14 A. That's correct.

15 Q. But then of the table dances and private  
16 dances that we discussed where it is suggested that  
17 the dancers pay a percentage to the club, are you  
18 aware of managers keeping track of that money  
19 anywhere?

20 A. Well, I don't think the managers do it. I  
21 think it's done by the bookkeeping people.

22 Q. And who are the bookkeeping people?

23 A. Whoever is working in bookkeeping in the  
24 office.

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1 Q. That's sometimes Lori, I think you said; is  
2 that right?

3 A. It could be a manager, yes.

4 Q. Does Gulliver's Tavern employ anyone in the  
5 role of bookkeeper aside from the managers?

6 A. An outside bookkeeper?

7 Q. Yes.

8 A. Not that I'm aware of.

9 Q. So Gulliver's Tavern doesn't have an  
10 in-house accountant or in-house bookkeeper?

11 A. Are you referring to somebody who is  
12 dedicated to that position?

13 Q. Yes.

14 A. No.

15 Q. So bookkeeping is done by a variety of  
16 people?

17 A. Yes.

18 Q. Are the dancers encouraged to try to get  
19 customers to purchase beverages at The Foxy Lady?

20 MR. MILLER: Objection.

21 A. I wouldn't say encouraged, no.

22 Q. What would you say?

23 A. I would say if they want to do it, they can  
24 do it.



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1 Q. So the dancers are not expected to have  
2 customers that they are interacting with buy a  
3 certain number of drinks?

4 A. No. There's no expectation.

5 Q. Are you aware of entertainers having to pay  
6 a fee or a fine to The Foxy Lady for failing to show  
7 up for work or failing to show up to perform?

8 A. No.

9 Q. Aside from the very occasional rental fees  
10 that we discussed earlier and the percentages from  
11 the private dances that we discussed, are there any  
12 amounts that you are aware of of entertainers paying  
13 money to The Foxy Lady?

14 A. No.

15 Q. Are the entertainers at The Foxy Lady  
16 encouraged or is it suggested that they tip out or  
17 provide some tips to other positions?

18 MR. MILLER: Objection.

19 A. There's no encouragement. That's totally  
20 discretionary. It's totally up to the entertainers.

21 Q. So it's totally up to them, but they can do  
22 it?

23 A. If they so choose, yes.

24 Q. What positions are you aware of that the

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1 entertainers have tipped out at The Foxy Lady?

2 MR. MILLER: Objection.

3 A. Well, they may tip out the DJ if they so  
4 choose. They may tip out the house mom if they so  
5 choose. I would assume if they have their hair  
6 done, they would give a tip to the hairdressers if  
7 they so choose.

8 Q. Are there particular amounts that are  
9 suggested for these tip outs?

10 MR. MILLER: Objection.

11 A. There's no suggestion. It's entirely up to  
12 the entertainer.

13 (Document marked as Robinson  
14 Exhibit 9 for identification)

15 Q. The court reporter has handed you what  
16 we've marked as Exhibit 9. Have you ever seen  
17 either this document before or the document that it  
18 is essentially a photograph of?

19 A. (Examines document) I have not.

20 Q. Have you ever seen a document similar to  
21 this posted anywhere at The Foxy Lady?

22 A. I have not.

23 Q. Have you ever seen any notice posted at The  
24 Foxy Lady concerning amounts that the entertainers

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1 are expected or it is suggested that they pay to  
2 other positions at the club?

3 A. I have not.

4 Q. You can put that aside.

5 For the amounts that the entertainers pay  
6 to the club from their private dance money, does  
7 Gulliver's Tavern provide them with a 1099 at the  
8 end of the year?

9 A. No.

10 Q. Why is that?

11 A. Because Gulliver's Tavern is not paying  
12 them anything, so there's no reason to give them a  
13 1099.

14 Q. Does it collect 1099s from the entertainers?

15 A. Not that I'm aware of.

16 Q. Why would it not collect a 1099 from the  
17 entertainers if it's collecting money from them?

18 A. My guess is that they are probably under  
19 the limit for -- either under the limit for  
20 providing a 1099 or just not asking for one. I  
21 mean, that would be my guess.

22 Q. Is there a shower at The Foxy Lady?

23 MR. MILLER: Objection.

24 A. A shower?

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1 Q. Yes, like a physical shower where a  
2 performer can take a shower.

3 A. You mean as part of the locker room?

4 Q. Yes.

5 A. I've never been in there, but I would  
6 assume so.

7 Q. You would assume there is a shower?

8 A. Yes.

9 Q. Is the shower something that customers can  
10 watch the entertainers shower in?

11 MR. MILLER: Objection.

12 A. No.

13 Q. Are there guidelines or suggestions at The  
14 Foxy Lady concerning the entertainers' appearance?

15 A. I'm not sure I understand. What do you  
16 mean by "appearance"?

17 Q. The way they physically look or the way  
18 they present themselves.

19 A. Not that I'm aware of.

20 Q. Are there guidelines about what types of  
21 shoes the entertainers are supposed to wear?

22 A. Not that I'm aware of.

23 Q. Are there guidelines about whether  
24 entertainers can have tattoos?

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1 A. I have not heard of any or seen any.

2 Q. Are there guidelines about what type of  
3 makeup the entertainers are supposed to wear or what  
4 they are supposed to look like in terms of wearing  
5 makeup?

6 A. I don't think so, no.

7 Q. How about the way they wear their hair?

8 A. Not that I'm aware of.

9 Q. Are the entertainers expected to wear  
10 specific types of costumes for certain events, like  
11 Monday Night Football or the Legs and Eggs Brunch  
12 event?

13 A. There's no expectation. It's -- no.

14 Q. So there's no expectation or guidelines  
15 from The Foxy Lady or the management of The Foxy  
16 Lady about what the entertainers are to wear while  
17 they are working at the venue?

18 A. No, not that I'm aware of.

19 Q. Could an entertainer wear whatever she  
20 wants to work at The Foxy Lady?

21 A. That would depend on the entertainer. I  
22 mean, there's no guidelines coming from The Foxy  
23 Lady to the entertainer. Let's put it that way.

24 Q. Are there any suggestions?

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1           A.     Are you talking about while they are  
2 performing services in the club?

3           Q.     Yes.

4           A.     No.

5           Q.     The outfits that the entertainers do wear  
6 while they perform services at the club, who pays  
7 for those?

8           A.     I would assume they do.

9           Q.     The entertainers?

10          A.     Yes.

11          Q.     Are you aware of management ever discussing  
12 weight with any particular entertainer, how much a  
13 particular entertainer weighs?

14          A.     No, I'm not aware of that.

15          Q.     Are there guidelines or rules at The Foxy  
16 Lady concerning whether entertainers can use their  
17 cell phones out on the floor?

18          A.     Not that I'm aware of but -- no, not that  
19 I'm aware of.

20          Q.     So could an entertainer use her cell phone  
21 out in the customer area of the venue?

22          A.     Are you talking about while they are  
23 performing or not performing?

24          Q.     Well, when you say "performing," do you

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1 mean on stage?

2 A. On stage.

3 Q. I'm talking about not on stage.

4 A. So the question is are there rules  
5 governing cell phone use while they are not on stage?

6 Q. That's correct.

7 A. Not that I am aware of.

8 Q. What about chewing gum, are the  
9 entertainers allowed to chew gum either while they  
10 are performing on stage or not performing on stage  
11 but are at the club?

12 A. I don't think there's any rule. No, I  
13 don't think there's any rule on that.

14 Q. Is there an expectation that they will not  
15 do that?

16 A. No, there's no expectation. There's no  
17 rule or expectation that I'm aware of.

18 Q. Are you aware of managers at the club ever  
19 holding meetings with a group of entertainers?

20 MR. MILLER: Objection.

21 A. I'm not sure I understand the question.  
22 Are you talking about while the entertainers are on  
23 the premises?

24 Q. Yes.

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1 A. At a time when they are performing services?

2 Q. Or asking them to show up at a particular  
3 time in order to have a meeting.

4 A. No. I have not heard of that.

5 Q. Do you know who Thomas Tsoumas is?

6 A. Yes.

7 Q. Who is he?

8 A. He is a consultant to Gulliver's Tavern,  
9 Incorporated.

10 Q. Are you aware him ever attending meetings  
11 with the entertainers prior to an event, like a  
12 Christmas party, for instance?

13 A. No, I'm not aware of that.

14 Q. Do you know how often he in the past three  
15 years has visited The Foxy Lady?

16 A. No, I don't know that.

17 Q. How about Patricia Tsoumas, how often does  
18 she visit The Foxy Lady?

19 A. I don't know that.

20 Q. Are the entertainers allowed to drink  
21 bottled water out on the floor?

22 A. I don't know. I don't think there's any  
23 rule in place. I just don't know.

24 Q. Are there rules concerning how the



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1 entertainers do their stage performances?

2 MR. MILLER: Objection.

3 A. No.

4 Q. Are there suggestions or guidelines about  
5 how they do their stage performances?

6 A. Not that I am aware of.

7 Q. There are no guidelines about how much  
8 clothes they can take off or how much they can leave  
9 on?

10 A. Not that I'm aware of.

11 Q. So an entertainer can perform on stage and  
12 remove as much or as little clothing as she wants?

13 A. That's my understanding, yes.

14 Q. You are not allowed to smoke indoors at The  
15 Foxy Lady, correct?

16 A. That's correct.

17 Q. Do you know if any of the entertainers smoke?

18 MR. MILLER: Objection.

19 Q. Just as a general matter.

20 A. Do I know?

21 Q. Yes.

22 A. I don't personally know. I'm guessing some  
23 of them do.

24 Q. If an entertainer wanted to have a

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1 cigarette, where do they go to do that?

2 MR. MILLER: Objection.

3 A. There's an area outside the club to comply  
4 with state law where they can go to do that.

5 Q. Is that area separate from where customers  
6 would stand outside to smoke?

7 A. I believe it is.

8 Q. Where the entertainers go to smoke, is that  
9 the same area that would be used by the bartenders  
10 and wait staff and other individuals that work at  
11 the club?

12 A. It may be, yes.

13 Q. What entrance are the entertainers expected  
14 to use when they show up at The Foxy Lady to perform  
15 services?

16 A. My understanding is that there is a  
17 separate entrance, separate from the customer  
18 entrance, on a different location of the premises  
19 that they would use.

20 Q. Is that the same entrance that is used by  
21 the other positions that work at The Foxy Lady?

22 MR. MILLER: Objection.

23 A. I don't know what entrance the other  
24 positions use to get in.

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1 Q. But the entertainers use an entrance that  
2 is separate from the customers?

3 A. Yes.

4 Q. What is the reason for having those two  
5 separate entrances?

6 MR. MILLER: Objection.

7 A. I think for the ease of the entertainers,  
8 so that they have more direct access to the locker  
9 room.

10 Q. Does that entrance lead directly into the  
11 locker room?

12 A. Well, it's closer to the locker room than  
13 where the main entrance would be, yes.

14 Q. If an entertainer wanted to take a break  
15 for any reason, are they required to notify someone  
16 that they are leaving the premises?

17 A. Well, I think for their own safety they  
18 should do that. They are not required to, but I  
19 think for their own safety they should.

20 Q. And do they?

21 A. Well, I don't know. I can't say for sure.

22 Q. Would the managers who work at The Foxy  
23 Lady know that?

24 MR. MILLER: Objection.

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1           A.     I don't know. Every situation is  
2 different. Every day is different. I couldn't  
3 answer that.

4           Q.     Are you aware of any posters or notices  
5 that are put up in the entertainers' locker room at  
6 The Foxy Lady?

7           MR. MILLER: Objection.

8           A.     No. I've never been in the locker room, so  
9 I can't answer that.

10          Q.     Aside from obviously themselves and the  
11 outfits they are going to be wearing, are the  
12 entertainers expected to bring anything with them  
13 when they are going to be performing services at The  
14 Foxy Lady?

15          MR. MILLER: Objection.

16          A.     There is no expectation.

17          Q.     Are there any suggestions or advice offered  
18 by management about what they should bring?

19          A.     Not that I'm aware of.

20          Q.     So it's not suggested that they bring CDs  
21 or i-Pods or i-Phones with music on it to play  
22 during their performances?

23          A.     I have not heard that.

24          Q.     Are you aware of any entertainers at The

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1 Foxy Lady holding any other positions at The Foxy  
2 Lady, like also working as a bartender or in some  
3 other role?

4 A. No. I have not heard that.

5 Q. Are you aware of that happening?

6 A. I am not aware of that happening, no.

7 Q. Gulliver's Tavern does not pay the  
8 entertainers any form of compensation; is that  
9 correct?

10 A. That is correct.

11 Q. It doesn't pay them by the hour or a salary  
12 or anything along those lines?

13 A. No, it does not.

14 Q. Does it offer them any benefits, like  
15 health insurance or anything along those lines?

16 A. No.

17 Q. Does it offer health insurance to its  
18 bartenders or employees?

19 A. I would assume so.

20 MR. CASAVANT: Off the record.

21 (Discussion off the record)

22 (Document marked as Robinson

23 Exhibit 10 for identification)

24 Q. The court reporter has handed you what was

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1 marked as Exhibit 10. Do you know what this is?

2 MR. CASAVANT: For the record, it's Bates  
3 numbered GULLIVERS 41.

4 A. This appears to be a copy of an affidavit  
5 signed by an individual named "Victoria Voe."

6 Q. Aside from describing it based on having  
7 looked at it right now, have you ever seen this  
8 document before?

9 A. Yes.

10 Q. Did you have any role in drafting this  
11 affidavit?

12 A. I did not.

13 Q. Do you know who Victoria Voe is personally?

14 A. I do not.

15 Q. In Paragraph 4 of this affidavit, she  
16 references circumstances in which her license to  
17 perform was revoked. She mentions a list of  
18 entertainers who are under 21 who are not allowed to  
19 drink alcohol, do you see that?

20 A. Yes.

21 Q. Is it true the club maintains a list of  
22 entertainers who are under 21?

23 A. I don't know. I would assume that they  
24 would have the ages of the individuals based on

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1 their identification that they provided.

2 Q. Is it the case that entertainers who are  
3 under 21 are allowed to perform at The Foxy Lady?

4 A. Yes, that is correct.

5 Q. What is the minimum age that an entertainer  
6 needs to be to perform at The Foxy Lady?

7 A. 18.

8 (Document marked as Robinson  
9 Exhibit 11 for identification)

10 Q. The court reporter has handed you what was  
11 marked as Exhibit 11, which is Bates numbered  
12 GULLIVERS 51. Could you tell me what this document  
13 is.

14 A. It appears to be an affidavit signed by a  
15 individual named "Crystal White."

16 Q. Do you know who Crystal White is?

17 A. No.

18 Q. You don't know her personally?

19 A. I don't.

20 Q. Did you play any role in drafting this  
21 affidavit?

22 A. I did not.

23 Q. On the second page, in Paragraph 6 there's  
24 a reference to Emily Chicoine, quote, "going so far

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1 as to start physical altercations with at least one  
2 such individual," individual being an entertainer,  
3 do you see that?

4 A. Yes.

5 Q. Are you aware of those incidents?

6 A. I am not.

7 Q. What was your understanding as to why  
8 Ms. Chicoine had her license to perform at The Foxy  
9 Lady revoked?

10 A. I can't remember exactly, but one of the  
11 two of them had her license revoked because she  
12 brought drugs into the premises. The other one I  
13 believe had her license revoked because her  
14 boyfriend somehow gained admission to the club and  
15 started an altercation on the premises.

16 Q. And you don't know which one of the two  
17 Plaintiffs was which?

18 A. I don't remember offhand.

19 MR. MILLER: I believe that is stated in  
20 the interrogatory responses if you care to look it  
21 up.

22 (Document marked as Robinson

23 Exhibit 12 for identification)

24 Q. The court reporter has handed you what was



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1 marked as Exhibit 12, Bates numbered GULLIVERS 57.

2 Let me know if you recognize that document.

3 A. Yes. It appears to be an affidavit signed  
4 by an individual named "Jane Creelman."

5 Q. Do you know Jane Creelman?

6 A. No.

7 Q. It says here she worked at The Foxy Lady as  
8 a house mom. Do you have any basis for disputing  
9 that?

10 A. No.

11 Q. Do you know if she still works at The Foxy  
12 Lady as a house mom?

13 A. No, I don't know.

14 Q. In Paragraph 5 of this affidavit, she says,  
15 "The club keeps track of the entertainers'  
16 whereabouts within the facility while they are  
17 performing, but this is only for safety purposes,"  
18 do you see that?

19 A. Yes.

20 Q. How does the club keep track of the  
21 entertainers' whereabouts?

22 MR. MILLER: Objection.

23 A. Well, I would assume that if an entertainer  
24 is on the premises, some employee or perhaps the

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1 house mom would be able to tell where they are at  
2 any one time.

3 Q. Does the club use any documents to keep  
4 track of the entertainers' whereabouts within the  
5 facility?

6 A. No.

7 Q. There's not anything along the lines of a  
8 shift schedule or roster of the individuals on site?

9 A. No. It's all by sight.

10 Q. In the preceding paragraph, Paragraph 4,  
11 there's a sentence that reads, "While the club  
12 prefers that entertainers work at least three  
13 scheduled performances per week, this is not a  
14 strict requirement, and the club is very flexible in  
15 acceding to entertainers' scheduling requests," do  
16 you see that?

17 A. Yes.

18 Q. Have I read that correctly?

19 A. Yes.

20 Q. She references a preference for scheduled  
21 performances, but I believe your prior testimony was  
22 that the club has no preference or guidelines as to  
23 how many times an entertainer works at the club; is  
24 that fair to say?

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1           A.     Yes. I think I distinguished the term  
2     "expectations" or "guidelines" with "suggestion."  
3     This was a suggestion, not a guideline or an  
4     expectation.

5           Q.     What in your mind is the distinction  
6     between a guideline and a suggestion with regard to  
7     The Foxy Lady?

8           A.     A guideline I believe is in general, in the  
9     general usage of the term, is that it is something  
10    that is more along the lines of a requirement,  
11    whereas a suggestion is something that the  
12    individual can take under advisement and do with it  
13    as they please.

14          Q.     So the club's suggestion is that  
15    entertainers work at least three scheduled  
16    performances per week?

17          A.     Well, I think the suggestion is made for  
18    the entertainers because if they work more shifts,  
19    they make more money.

20          Q.     Right, but why would the club be concerned  
21    at all with how many performances the entertainers  
22    do per week in terms of how much money they are  
23    making?

24                 MR. MILLER: Objection.

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1 A. Well, I don't think they are concerned.

2 Q. So then why make the suggestion of three  
3 performances per week?

4 A. It's really up to the entertainers.

5 Q. Why would the club make the suggestion of  
6 three performances per week?

7 MR. MILLER: Objections.

8 A. I think probably for the convenience of the  
9 entertainers, nothing more.

10 Q. I'm just not following what you are saying.  
11 If the club isn't concerned with how often the  
12 entertainers perform and how much money they are  
13 making and it's in the entertainers' interest to  
14 work as often or as little as they want because they  
15 are the ones making the money, why does the club  
16 make any suggestions about how many scheduled  
17 performances they make per week?

18 MR. MILLER: Objection.

19 A. I don't know why. I would say it's for the  
20 entertainers to take under advisement and do as they  
21 see fit.

22 Q. It's not for the club's convenience or for  
23 its own scheduling purposes?

24 A. Not at all.

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1 Q. So it doesn't benefit the club to suggest  
2 to the entertainers that they be there at least  
3 three scheduled performances per week?

4 MR. MILLER: Objection.

5 A. No, no.

6 Q. The third sentence of this paragraph, the  
7 one that reads, "At any given time the club is open  
8 to the public, between one-third and one-half of the  
9 entertainers performing at the Club are walk-ins who  
10 were not previously scheduled," did I read that  
11 correctly?

12 A. You did.

13 Q. Her reference to "previously scheduled," to  
14 me, implies that there is a schedule for the  
15 entertainers that has been previously made. Is my  
16 assumption completely mistaken?

17 MR. MILLER: Objection.

18 A. Well, I think -- let me clarify one of my  
19 previous answers on this issue, and that is that  
20 entertainers will often express to the house mom or  
21 someone else in management that they would like to  
22 work on a particular day. It's not a schedule in  
23 the sense that the club is writing down dates and  
24 times that the person will work. If they have heard

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1 from an entertainer that they would like to work on  
2 a particular day, then they will make a note of  
3 that -- and I think we have seen that on the  
4 exhibit -- and if the entertainer shows up, it's  
5 noted. If the entertainer doesn't show up, that's  
6 noted as well. That doesn't imply that there's a  
7 schedule that is made via the club. When she's  
8 referring to the word "schedule," she's referring to  
9 the entertainer's expressed desire to work a  
10 particular day.

11 Q. Has it ever occurred where too many  
12 entertainers have expressed a desire to work a  
13 particular day of the week?

14 MR. MILLER: Objection.

15 A. I'm not aware of that, no.

16 Q. Are you aware of circumstances in which  
17 house moms have called entertainers on their phone  
18 to ask them to come to The Foxy Lady because they  
19 need entertainers?

20 A. No, I am not aware of that.

21 Q. You are not aware of it one way or the  
22 other or you are aware it has not happened?

23 A. No, I'm not aware of it.  
24

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1 (Document marked as Robinson  
2 Exhibit 13 for identification)

3 Q. I'm handing you what was marked as Exhibit  
4 No. 13, Bates numbered GULLIVERS 44. Once you have  
5 had the chance to look through that, please let me  
6 know if you can identify it for me.

7 A. (Examines document) Okay.

8 Q. Could you tell me what this is.

9 A. It appears to be an affidavit that has been  
10 signed by an individual named "Lucy Loe."

11 Q. Did you play any part in drafting this  
12 document?

13 A. No.

14 Q. Do you know who Lucy Loe is?

15 A. I don't.

16 Q. On the second page, Paragraph 20, do you  
17 see the sentence, "Although the club promotes a  
18 policy of requiring performers to attend a minimum  
19 of three shifts per week, I have often worked fewer  
20 shifts with no adverse consequences"?

21 A. Yes.

22 Q. Is she correct that the club promotes a  
23 policy of requiring performers to attend a minimum  
24 of attending three shifts per week?

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1           A.     I would not phrase it that way, no.  It's  
2     not a requirement.

3           Q.     You would phrase it as a suggestion?

4           A.     Yes.

5           Q.     She references "shifts."  In the context of  
6     The Foxy Lady, what are shifts?

7           A.     My understanding is that they are blocks of  
8     time in each day within which the entertainers will  
9     provide services.

10          Q.     What are those blocks of time?

11          A.     I don't know.

12          Q.     Does The Foxy Lady suggest that  
13     entertainers work the entirety of a shift when they  
14     work?

15          A.     No.

16          Q.     No?

17          A.     No.  Again, they can come and go as they  
18     please.

19          Q.     They can show up when they want and leave  
20     when they want?

21          A.     Yes.

22          Q.     When they leave, are they expected to  
23     notify anybody when they are leaving?

24          A.     Well, I wouldn't call it an expectation.



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1 Again, what I would call it is a suggestion for  
2 their own safety. Because if they have left the  
3 premises, then they would be considered to be on  
4 their own in terms of whatever happens to them. If  
5 they were to leave the premises and intend to come  
6 back, that could be different. It's really a safety  
7 issue. It's not a requirement.

8 Q. If you could turn back to Exhibit 3 and go  
9 to Paragraph 5. Do you see a reference there to a  
10 "show period"?

11 A. Yes.

12 Q. That sentence reads, "While performer has  
13 no obligation to perform during any day or evening  
14 that the club designates as a show period (a 'Show  
15 Period')." Can you elaborate on what exactly a show  
16 period is in the context of The Foxy Lady.

17 MR. MILLER: Objection.

18 A. My understanding is that it's just a period  
19 of time when there are dancers that are providing  
20 entertainment.

21 Q. What are the designated show periods at The  
22 Foxy Lady?

23 A. I would say anytime that there is  
24 entertainment being provided.

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1 Q. Are show periods set up or established in  
2 advance?

3 A. No.

4 Q. The last sentence of the paragraph reads,  
5 "Performer agrees that if a performer misses any  
6 portion of a show period accepted by performer,  
7 performer may be subject to a late fee as posted on  
8 the premises," do you see that?

9 A. I do.

10 Q. Did I read that correctly?

11 A. You did.

12 Q. Are you aware of dancers paying late fees  
13 for missing a show period?

14 A. No, I am not aware of that.

15 Q. Are you not aware that it's ever happened  
16 or you know that it never happened?

17 A. I am not aware that it's happened.

18 Q. There's a reference to late fee being  
19 posted in the premises in that sentence, right?

20 A. Yes.

21 Q. Are there posters or notices anywhere about  
22 late fees at The Foxy Lady?

23 A. Not that I'm aware of.

24 Q. Have there been in the past three years?

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1 A. I have never seen one.

2 Q. Do you have a sense as to how much money  
3 the entertainers typically make at The Foxy Lady on  
4 average?

5 A. No, I don't. I can only go by what one of  
6 your clients provided in the course of discovery.  
7 It would appear that she was averaging I believe  
8 \$75 an hour.

9 Q. So aside from that, you have no independent  
10 understanding as to how much the entertainers  
11 typically make?

12 A. No.

13 Q. Gulliver's Tavern doesn't keep track of  
14 that information at all?

15 A. They do not.

16 Q. Has anyone at Gulliver's Tavern ever  
17 contacted a state or Federal agency concerning how  
18 it treats or compensates the entertainers at The  
19 Foxy Lady?

20 A. Has anyone at Gulliver's Tavern ever  
21 contacted?

22 Q. Yes.

23 A. Not that I'm aware of.

24 Q. Are you aware of anyone acting on behalf of

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1 The Foxy Lady contacting a state or Federal agency  
2 for advice about how to compensate or classify  
3 exotic dancers?

4 A. Not that I'm aware of.

5 Q. Have you done that?

6 A. Me personally?

7 Q. Yes.

8 A. No.

9 Q. Outside of conversations you may have had  
10 with Attorney Miller or someone representing you in  
11 this lawsuit, prior to the filing of this lawsuit,  
12 were you aware of other lawsuits being brought by  
13 exotic dancers against nightclubs or strip clubs  
14 alleging misclassification as independent contractors?

15 MR. MILLER: Objection. Are you asking  
16 that of him as a percipient witness?

17 MR. CASAVANT: Yes.

18 MR. MILLER: You can answer.

19 A. Are you talking about anywhere or just in  
20 this area?

21 Q. Anywhere.

22 A. I have heard that other cases have been  
23 brought, yes.

24 Q. In what context have you heard about those

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1 cases?

2 A. Just from reading, in the News, just  
3 hearing about it that way.

4 Q. And you've been corporate counsel to  
5 Gulliver's Tavern over the past several years?

6 A. Yes, I have.

7 MR. CASAVANT: Off the record.

8 (Discussion off the record)

9 (Recess at 12:57 p.m.)

10 BY MR. CASAVANT: (1:03 p.m.)

11 Q. I believe you testified that you have no  
12 knowledge as to how many entertainers have worked or  
13 performed services at The Foxy Lady over the past  
14 three years; is that right?

15 A. That's correct.

16 Q. If I wanted to determine how many  
17 entertainers have worked at The Foxy Lady over the  
18 past three years, how would I go about doing that?

19 MR. MILLER: Objection.

20 A. I'm not sure that you could get that  
21 information. I don't know if it's available.

22 Q. You may have answered this already. Are  
23 you aware of Gulliver's Tavern maintaining copies of  
24 the performer license agreements and information

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1 sheets, ID sheets for entertainers that have worked  
2 at the venue for the past three years?

3 MR. MILLER: Objection.

4 A. They may, but I don't know for sure.

5 Q. Gulliver's has every entertainer who wants  
6 to work or perform at The Foxy Lady sign a performer  
7 license agreement, right?

8 A. That's my understanding, yes.

9 Q. So if Gulliver's Tavern maintained  
10 performer license agreements for everyone who has  
11 performed services there as a dancer over the past  
12 three years, presumably I could count each one of  
13 the agreements to arrive at a number of dancers that  
14 worked there over the past three years?

15 MR. MILLER: Objection.

16 A. Is that a question?

17 Q. Yes. My question is, is that a fair  
18 assumption?

19 MR. MILLER: Objection.

20 A. I think you are assuming that they retain  
21 every one -- every license agreement in a file  
22 somewhere both for entertainers that are currently  
23 working and providing services at The Foxy Lady and  
24 those that are not; but in the context of preparing

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1 for this deposition, I only reviewed the two files  
2 for the Plaintiffs. I cannot answer that question  
3 with any certainty as to anybody else.

4 Q. Because you don't know if they -- if the  
5 club has maintained agreements for all of its  
6 dancers going back three years?

7 A. That's correct.

8 Q. Do you have an understanding as to whether  
9 there are certain nights or days of the week that  
10 The Foxy Lady is busier than others?

11 MR. MILLER: Objection.

12 A. Well, I don't have any definitive proof,  
13 but my assumption would be that the weekends would  
14 be busier than weekdays.

15 Q. That's just your assumption?

16 A. Yes.

17 Q. Do you have an understanding as to on a  
18 busier day or night how many entertainers would be  
19 on the premises at The Foxy Lady?

20 MR. MILLER: Objection.

21 A. No, I don't.

22 MR. CASAVANT: I have no further questions  
23 for this witness, although he did reference  
24 newspaper advertisements being produced in this

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1 litigation, which I don't believe I have seen.  
2 Pending sorting out that issue as to whether we are  
3 entitled to that and whether it was produced, I will  
4 suspend until we have had the chance to look at  
5 those.

6 MR. MILLER: Okay. I think he maybe  
7 mischaracterized to his memory what was produced.  
8 We can straighten that out off the record.

9 I have some questions.

10 CROSS EXAMINATION

11 BY MR. MILLER:

12 Q. Mr. Robinson, Mr. Casavant asked you a few  
13 questions about revenue that the club receives in  
14 association with space that is used by dancers and  
15 customers, do you recall that?

16 A. I do.

17 Q. For recordkeeping purposes, do you have an  
18 understanding of how the club characterizes that  
19 revenue?

20 A. I believe that they characterize it as  
21 being paid by the customer.

22 Q. Instead of by the dancer?

23 A. Yes.

24 Q. And the club proceeds with the assumption



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1 that such amounts paid by the customer would be  
2 outside the scope of any tax-reporting requirement?

3 A. That's correct.

4 Q. So there's no cause to issue tax-reporting  
5 documents to either the customer or the entertainer?

6 A. That's correct.

7 MR. MILLER: That's all I have.

8 (Whereupon the deposition  
9 was suspended at 1:07 p.m.)  
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### SUGGESTED CORRECTIONS

RE: Ruby Levi, et al. vs. Gulliver's Tavern, Incorporated, et al.

Witness: Dean Robinson, Esq., Vol. I.

The above-named witness wishes to make the following changes to the testimony as originally given:

PAGE	LINE	SHOULD READ	REASON
25	14	"house mom and manager"	Misspoke during deposition
46	5	"Yes"	Misspoke during deposition
56	6, 10	"No"	Misspoke during deposition
68	13, 16	"In some instances, Entertainers pay a weekly house fee, as contemplated by their agreements. In other instances, the Club waives and the Entertainers do not pay such a fee."	Misspoke during deposition
69	2	"In some instances, Entertainers pay a weekly house fee, as contemplated by their agreements. In other instances, the Club waives and the Entertainers do not pay such a fee."	Misspoke during deposition
69	15, 17	"In some instances, Entertainers pay a weekly house fee, as contemplated by their agreements. In other instances, the Club waives and the Entertainers do not pay such a fee."	Misspoke during deposition.
70	4, 8	"In some instances, Entertainers pay a weekly house fee, as contemplated by their agreements. In other instances, the Club waives and the Entertainers do not pay such a fee."	Misspoke during deposition
74	6-7, 10	"They come and go as they please. However, entertainers can schedule themselves in advance."	Misspoke during deposition
88	10	"Yes"	Misspoke during deposition

98	12	“Yes. There is a separate shower on the main floor where dancers can choose to perform a ‘shower show.’. This does not occur in the shower available for dancer’s personal use, which is located near the dressing rooms.”	Misspoke during deposition
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CERTIFICATE

I, DEAN ROBINSON, ESQ., do hereby certify that I have read the foregoing transcript of my testimony and further certify under the pains and penalties of perjury that said transcript with suggested corrections is a true and accurate record of said testimony.

*EAST*  
Dated at PROVIDENCE, this 16 day of JAN., 2017.

  
\_\_\_\_\_

**Dean Robinson, Esq. - November 28, 2016**

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1 COMMONWEALTH OF MASSACHUSETTS)

2 SUFFOLK, SS. )

3 I, Ken A. DiFraia, RPR and Notary Public in and  
4 for the Commonwealth of Massachusetts, do hereby  
5 certify that there came before me on the 28th day of  
6 November, 2016, at 9:58 a.m., the person hereinbefore  
7 named, who was by me duly sworn to testify to the  
8 truth and nothing but the truth of his knowledge  
9 touching and concerning the matters in controversy  
10 in this cause; that he was thereupon examined upon  
11 his oath, and his examination reduced to typewriting  
12 under my direction; and that the deposition is a  
13 true record of the testimony given by the witness.

14  
15 I further certify that I am neither attorney or  
16 counsel for, nor related to or employed by, any  
17 attorney or counsel employed by the parties hereto  
18 or financially interested in the action.

19  
20 Under Federal Rule 30:

21   X   Reading and Signing was requested  
22       Reading and Signing was waived  
23       Reading and Signing was not requested  
24

**Dean Robinson, Esq. - November 28, 2016**

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1 In witness whereof, I have hereunto set my hand  
2 and affixed my notarial seal this 9th day of  
3 December, 2016.

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6 Notary Public

7 Commission expires 2/24/2023  
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**Dean Robinson, Esq. - November 28, 2016**

D I S C L A I M E R

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